

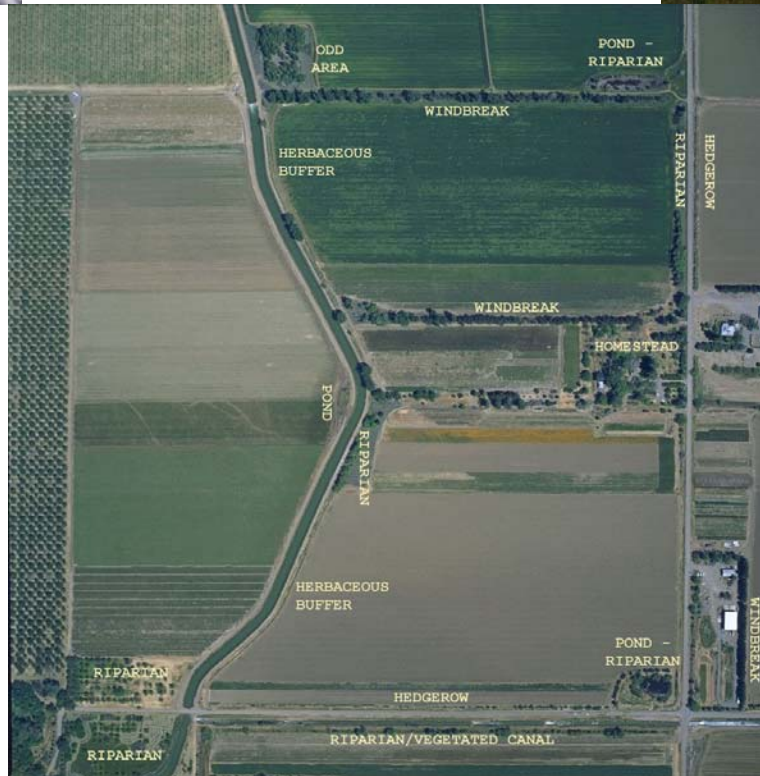
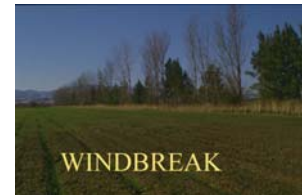


# CALIFORNIA

## ENVIRONMENTAL HANDBOOK

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USDA, NATURAL RESOURCES CONSERVATION SERVICE  
Davis, California  
October 2001



# CALIFORNIA

## ENVIRONMENTAL HANDBOOK



**United States Department of Agriculture  
Natural Resources Conservation Service  
Davis, California**

**October 2001**



# USDA, NATURAL RESOURCES CONSERVATION SERVICE

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## ACKNOWLEDGEMENTS

This handbook was prepared under the leadership of Diane B. Holcomb, State Resource Conservationist, United States Department of Agriculture, Natural Resources Conservation Service, Davis, California. The following staff assisted in development of the handbook:

Bill Cunningham, Biologist, Watershed Planning Staff  
Daniel Johnson, Water Management Specialist (Engineer), Engineering Staff  
Jerry Reiox, Staff Forester, Resource Technology Staff  
Ronald Schultze, State Biologist, Resource Technology Staff  
Glenn Stanisewski, Soil Resources Specialist, Soils Regional Technical Team  
Walt Sykes, Watershed Planning Specialist, Watershed Planning Staff

Additional assistance was provided by Mark Parson, Resource Conservationist, Resource Technology Staff. Reviews were provided by Theresa Bailey, Program Specialist, Resource Technology Staff, Rebecca Challender, Water Quality Specialist (Engineer), Engineering Staff and Walter Bunter, Retired State Agronomist.

# CALIFORNIA ENVIRONMENTAL HANDBOOK

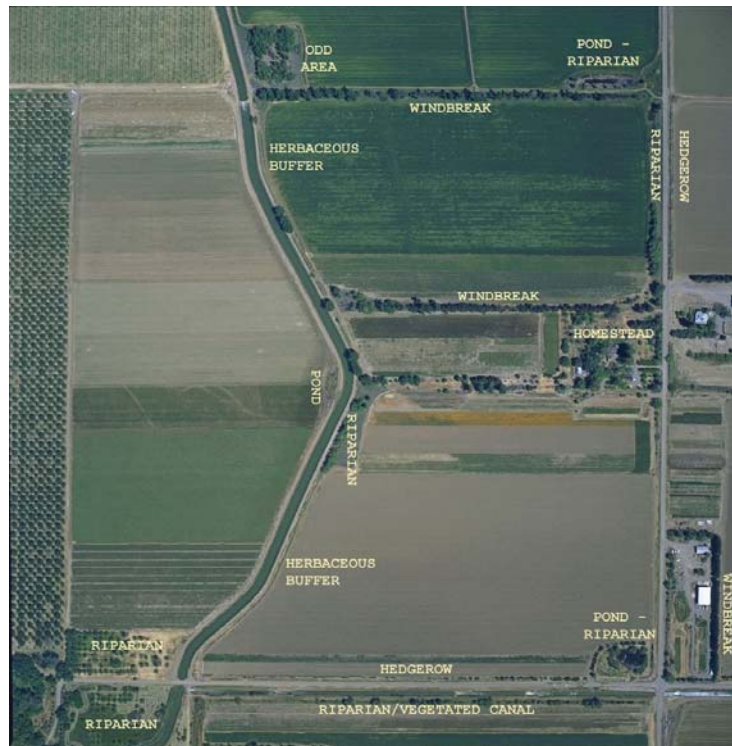
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## SECTION I

# INTRODUCTION TO THE CALIFORNIA ENVIRONMENTAL HANDBOOK







# SECTION I

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# USDA, NATURAL RESOURCES CONSERVATION SERVICE

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## I. INTRODUCTION TO THE CALIFORNIA ENVIRONMENTAL HANDBOOK

### A. PURPOSE

The **CALIFORNIA ENVIRONMENTAL HANDBOOK** has been developed to provide guidance and information for NRCS field staffs to assist landowners and clients, and to comply with environmental regulations. This handbook will help you conduct Environmental Evaluations and prepare Environmental Assessments. The Environmental Assessment Worksheet has been developed as a means for documenting results of the Environmental Evaluation. The Environmental Assessment Worksheet and guidance on its use can be found in the General Manual, 190-ECS, Amendment CA4 (Part 410) COMPLIANCE WITH NEPA, Subpart A - PROCEDURES FOR NRCS-ASSISTED PROGRAMS, CA410.5 Environmental Evaluation in planning (see Exhibit I-1). A copy of the California Environmental Assessment Worksheet is enclosed as Exhibit I - 2. The **CALIFORNIA ENVIRONMENTAL HANDBOOK** is divided into the four following sections:

**Section I** – Introduction to the California Environmental Handbook provides an introduction to the purpose of the handbook, supporting policy, and procedures for reviewing and commenting on environmental documents prepared by other agencies.

**Section II** - Special Environmental Concerns provides guidance and information on items found on page 3 of the Environmental Assessment Worksheet, entitled SPECIAL ENVIRONMENTAL CONCERNS and the section entitled OTHER CONSIDERATIONS.

**Section III** - Permits provides guidance and information on common regulations requiring permits.

**Section IV** - Examples provides examples of environmental evaluation documentation for situations found in activities and actions in which NRCS is commonly involved.

### B. POLICY

NRCS policy for compliance with the National Environmental Policy Act of 1969 (NEPA) is found in the General Manual, Title 190 - Ecological Sciences, Part 410 - Compliance with NEPA.

The latest version of the national NRCS policy can be found at the following web site:

<http://www.nhq.nrcs.usda.gov/BCS/enviro/nepa.html>

## C. REVIEWING AND COMMENTING ON ENVIRONMENTAL DOCUMENTS (EISs AND EIRs) PREPARED BY OTHER AGENCIES

### 1. INTRODUCTION

Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) obligates a Federal agency preparing an Environmental Impact Statement (EIS) to consult with and obtain the comments of any Federal agency which has jurisdiction by law, or special expertise with respect to any environmental impact involved, and to make the EIS and agency comments available to interested parties. The review process provides opportunities for a full scrutiny and critique of the lead agency's environmental analysis methods and its rationale for selecting a proposed action. It also provides a forum for opposing views and can be a source of new information.

Regulations of the Council on Environmental Quality state that Federal agencies with jurisdiction by law or special expertise "shall comment" on EISs within their jurisdiction, expertise, or authority. NRCS regulations state that EISs received for review by NRCS for which NRCS has expertise, or authority, shall be responded to promptly.

NRCS may also be asked to review and comment on environmental assessments or other documents, including California Environmental Quality Act (CEQA) documents (e.g. Environmental Impact Reports, or EIRs). Compliance with such requests is not mandatory. The NRCS response should be based on staff availability, project location, applicability, or interest.

## **2. RELATED REGULATIONS AND POLICIES**

Council on Environmental Quality (CEQ) Regulations

40 CFR 1503 – Commenting

40 CFR Chapter V, Appendix II – Federal and Federal-State Agencies With Jurisdiction by Law or Special Expertise on Environmental Quality Issues

NRCS Regulations

7 CFR 650.20 – Reviewing and commenting on EISs prepared by other agencies

NRCS General Manual

190 GM 410.20 (Similar to 7 CFR 650.20)

190 GM CA410.20 (California procedures)

## **3. SCOPE OF REVIEW**

Comments are to be based on readily available knowledge. Field office technical guides, soil surveys, field investigation reports, and other resource data and reference materials developed by NRCS, and other agencies should be used and cited. It is not intended that special surveys or investigations be conducted to gain additional information for use in preparing comments. The following list provides specific items to be considered by NRCS reviewers with some, but not all of the questions that might be asked in addressing them. These are listed in the Environmental Document Review Worksheet (see Exhibit I-3):

### **1. Soil suitability and limitations for the proposed action.**

Would the alternatives being proposed have another route, location, or layout that could minimize land use problems and adverse environmental impacts related to soils? Has the soil productivity, capability, and erodibility been adequately considered in the document?

### **2. Provisions for erosion, sediment, and dust control prior to and during project construction.**

Are there resources downstream that would be affected by sediment from the construction area? Does the document provide adequate control measures? Will lack of erosion or dust control cause air pollution or visibility problems? Is the stockpiling of topsoil for future use considered? Are seeding periods and non-seeding times described? Are air resources adequately considered?

### **3. Considerations for soil and water conservation management systems and measures on project and adjacent lands.**

Typically these areas would be rights-of-way, access roads, and borrow areas. Does the document indicate that long-lasting soil and water conservation practices are to be installed and maintained? Are there conservation measures that can be recommended to reduce negative environmental impacts?

### **4. Water discharge from project area to off-site locations.**

What effect (positive and negative) will water leaving the site, or a nearby area have once the project is completed? What happens if the project is not installed? Will the discharge cause erosion, flooding, or pollution problems? Is there an environmental impact to water quality, streamflow, floodplains, wetlands, groundwater recharge, or irrigation systems?

### **5. Effects of disruption to the natural drainage patterns and severance of private land units.**

Does the document indicate that drainage patterns will be maintained, altered, enhanced, or negatively affected? Will bridges, culverts, or other structures, if installed, cause flooding problems, or restrict nearby

land use in some fashion? Does the document adequately address any severance of private land ownership units from contiguous tracts?

6. Impact on previously installed soil and water conservation management systems.

To what extent will conservation systems be altered or severed? Will outlet structures, or features become inoperable if the project is installed? Will new and better conservation systems be installed? Will livestock operations, or facilities affect, or be affected by the project?

7. Impacts on prime and unique farmland.

Would an alternative location, or route require less prime farmland to be converted? Does the document consider secondary effects on prime farmland (effects that could make farming impractical, or impossible)? What benefits, or consequences of the conversion of prime farmland are anticipated? If a Federal agency is involved, does the document show compliance with the Farmland Protection Policy Act?

8. Impacts on ecosystems.

Does the document describe impacts on major plant communities and terrestrial and aquatic ecosystems? Does it consider forest, range, Federal and California listed threatened and endangered plants and animals, biodiversity, noxious weeds, and fuel load for prescribed burns and wildfires?

9. Impacts on other NRCS-related projects.

Does NRCS have any current, or planned projects in the area that will, or could be affected? Are these adequately described? Is NRCS aware of any cultural resources in the project area?

## D. EXHIBITS

I-1 Compliance with NEPA Procedures for NRCS-Assisted Programs

I-2 Environmental Assessment Worksheet

I-3 Environmental Document Review Worksheet



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## COMPLIANCE WITH NEPA

### PROCEDURES FOR NRCS-ASSISTED PROGRAMS

(From 190-GM, Part 410, Subpart A, Amend. CA4, July 2000)

#### CA410.5 Environmental evaluation in planning.

(a) The Natural Resources Conservation Service (NRCS) is required to conduct an Environmental Evaluation which can be documented on an Environmental Assessment Worksheet (EAW) for all assistance it provides. Planning intensity, public involvement, and documentation of actions varies according to scope of the action.

(b) The main item needing attention at the field level of activities is how to document the Environmental Evaluation of individual actions. The NRCS-NEPA procedures assigned responsibility to the State Conservationist for establishing a method of documenting Environmental Evaluation in Conservation Operations and other activities. NRCS in California will give the same considerations throughout the planning and decision making process for environmental values and assessment of probable impacts as for economic and social values. Refer to the attached flow diagram to assist with the process.

(c) An Environmental Evaluation shall be made and documented on an Environmental Assessment Worksheet form as part of each conservation plan. This will assist in development of a quality plan and will cover the probable cumulative impacts of implementing that plan. If a conservation plan EAW described the planned practice, then another EAW is not necessary. If a conservation plan EAW has been prepared, but the practices presently being planned are substantially different from what was described in the plan or were not included, then prepare a new EAW. If no conservation plan EAW has been prepared, then prepare an EAW for the practices being planned. Application of practices through programs such as Environmental Quality Incentives Program (EQIP), Wildlife Habitat Incentives Program (WHIP) and Wetland Reserve Program (WRP) are included.

(d) An ENVIRONMENTAL ASSESSMENT WORKSHEET (see attached form) should be adequate to document evaluations made for Conservation Operations actions. The ENVIRONMENTAL ASSESSMENT WORKSHEET will be used for this purpose and placed in the Case File. It will be easier to document the environmental impacts of NRCS assistance using this worksheet with comments as needed, than to write out statements about all of the relevant impacts on resources of concern.

(e) When preparing the ENVIRONMENTAL ASSESSMENT WORKSHEET, determine the impacts to the best of your ability. Data or other information may not be available to describe absolute impacts; best professional judgement may suffice. In addition to evaluating what direct impacts there will be on land being treated, the evaluation should assess significant cumulative impacts, i.e. – even though a particular practice does not have a significant impact itself, if it is coupled with application of the similar treatments on adjoining properties, it may have.

(f) Some NRCS programs, or parts of programs, do not normally create significant individual or cumulative impacts on the human environment. These are data gathering and interpretation programs and include: Soil Surveys, Snow Surveys and Water Supply Forecasts, Plant Materials for Conservation, Inventory and Monitoring, and River Basin Studies under Section 6, PL83-566. These programs currently have Categorical Exclusions and therefore an Environmental Evaluation and Environmental Assessment Worksheet is not needed for activities under these programs.

(g) Guide to Preparing ENVIRONMENTAL ASSESSMENT WORKSHEET.

(1) An ENVIRONMENTAL ASSESSMENT WORKSHEET will be used in Conservation Operations activities and for small project actions, such as, RC&D and EWP.

(2) Many details have been left off the EAW to facilitate a short, concise form that provides uniform application. Various environmental factors are to be evaluated. However, all factors will not apply in every case. Therefore, the preparer should use only those factors appropriate and related to the activity or treatment being planned or applied. Practices planned should be evaluated for possible short term and long term effects. Short term is the period of time from when work is begun until the practice is completed. Long term is the time at which the resource is considered adequately treated or for the life of the practice or project. Under "Description of Effects" make short, significant comments where appropriate. Examples would be to indicate type of stream or wetland, list endangered species, etc. Detailed discussion, when needed, should be made under "Description of Effects;" additional paper can be added if more

space is needed. Any negative or adverse impacts will be noted. The preparer should comment on any significant beneficial or no effect items, as felt appropriate.

(i) ENVIRONMENTAL EFFECTS ELEMENTS. The first section of the ENVIRONMENTAL ASSESSMENT WORKSHEET addresses Soil, Water, Air, Plants, Animals, plus human (SWAPA+H) resource concerns. Under each of these resource concerns are questions related to that resource. If there are environmental effects caused by the action that relate to those concerns document them under "Description of Effects." Describe effects of the action, both short term and long term, onsite and offsite, and cumulative. Include effects of any mitigation that is proposed.

(ii) SPECIAL ENVIRONMENTAL CONCERNS. The second section addresses Special Environmental Concerns that require compliance with specific laws and regulations. Sources of NRCS policies and procedures are identified. Indicate if the resource concern is "Present," by a Yes or No, under that column heading. Then document any positive or adverse effects the action will have on the resource concern.

(iii) OTHER CONSIDERATIONS.

Document any of the identified conditions listed in this section. If there are alternatives you have proposed that would have a more positive impact that the landowner does not want to select, document them under item (f). Add any other remarks or other considerations you feel are needed.

(iv) RECOMMENDATION. Check the box that applies relative to whether the Environmental Assessment Worksheet is adequate to support proceeding with the project or action. Or, indicate if the EAW is not adequate to address certain resource concerns before the project proceeds. If there are significant adverse environmental effects and the client does not elect to implement alternatives which mitigate or alleviate these effects then NRCS may need to withdraw assistance. Under Item "h," document conclusions and rationale for the recommendation.

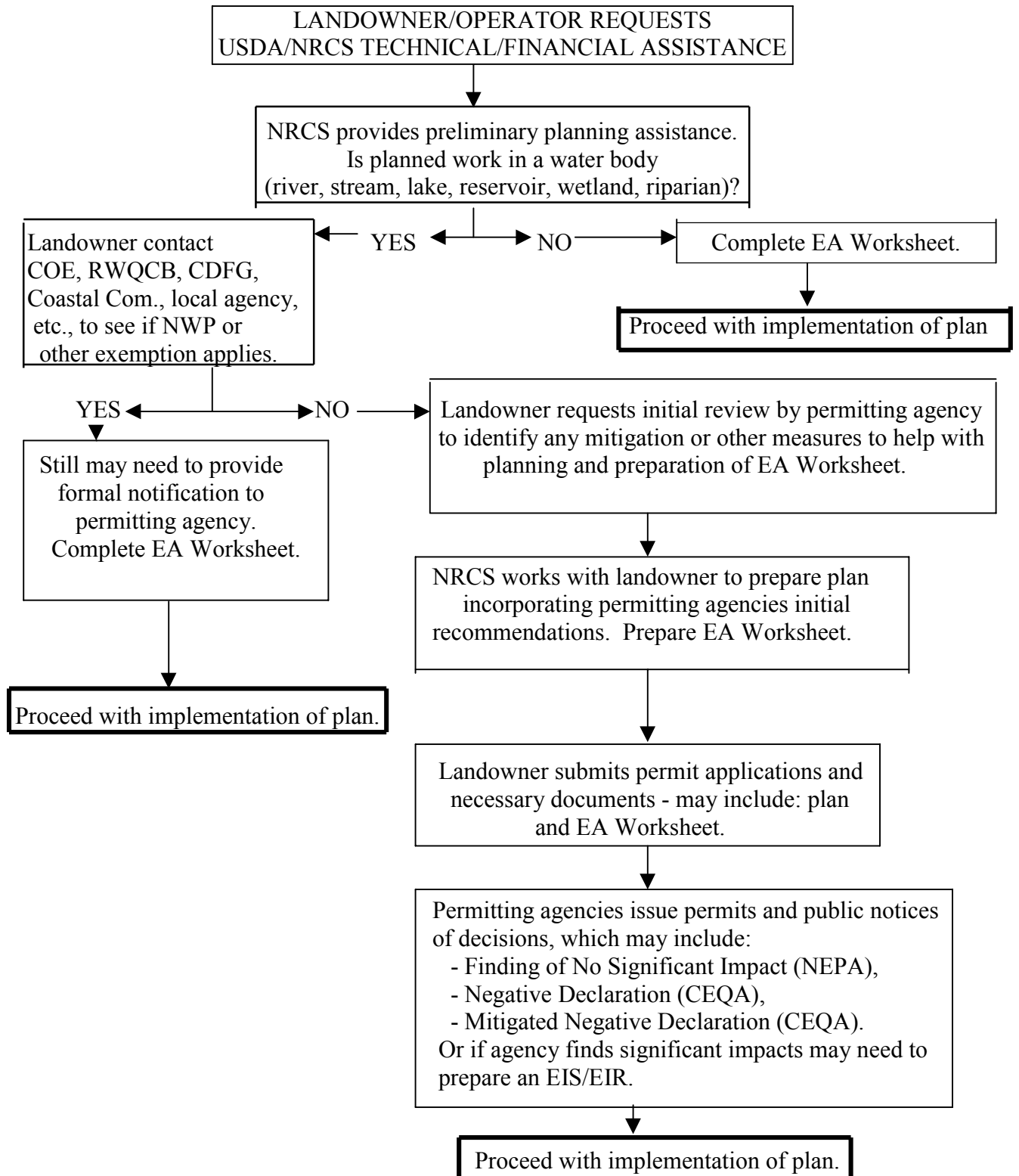
The planner and reviewing or authorizing official (usually the District Conservationist) should sign the document when adequately completed.

(v) CALIFORNIA ENVIRONMENTAL QUALITY ACT. Compliance with the California Environmental Quality Act (CEQA) is generally the responsibility of the landowner or state and local agencies, including those that are obtaining permits or that issue permits.

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## NEPA IN NRCS PLANNING



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# CALIFORNIA ENVIRONMENTAL ASSESSMENT WORKSHEET

Date \_\_\_\_\_

Client and/or Business Name: _____		
Purpose and Need Statement (Client Objective): _____		
Description of Proposed Project: _____		
Treatment Unit: Farm #:	Tract #:	Field #:
Watershed: _____		
Name of Person(s) Completing Worksheet: _____		
<ul style="list-style-type: none"> <li>This worksheet is used to document the effects a proposed activity may have on natural, human, and cultural resources, in compliance with NEPA and NRCS NEPA Policy (General Manual 190, Section 410).</li> <li>Effects are documented in terms of: Short Term - those that occur during installation/construction; and Long Term - those that occur during and after the activity is finished. Onsite and offsite, positive and negative, and cumulative effects must be documented. If mitigation is proposed effects must be documented.</li> </ul>		
	<b>Environmental Effects Element</b>	<b>Description of Effects</b>
I.	<b>SOIL:</b>	
a.	Soil surface (e.g. disruptions, destruction of structure, displacements, compaction, deposition, removal of organic material, improvements)?	
b.	Soil fertility?	
c.	Unique geologic or natural physical features (e.g. covering, modification, partial destruction, protection, etc.)?	
d.	Wind or water erosion of soils, or soil erodibility, either on or off site?	
e.	Siltation, deposition or erosion which may impact or modify the channel of a river, stream, ocean shoreline, or other water?	
f.	Exposure of people or property to geologic hazards such as landslides, mudslides, subsidence or similar hazards?	
g.	Number of acres of prime &/or unique cropland?	
h.	Other?	
II.	<b>WATER:</b>	
a.	Stream channel dimension, pattern, and/or slope (including down stream impacts)?	
b.	Surface water infiltration rates, drainage patterns, velocities and/or volumes?	
c.	Quality or quantity of discharge into surface waters, including, but not limited to temperature, nutrients, bacteria, or turbidity?	
d.	Quantity of ground waters through either direct additions/withdrawals or interception of aquifers?	
e.	Ground water quality?	
f.	Amount of water available for public use?	
g.	Exposure of people or property to flooding?	
h.	Other?	

	Environmental Effects Element	Description of Effects
III.	AIR:	
a.	Air quality?	
b.	Odors?	
c.	Other?	
IV	PLANTS:	
a.	Diversity of species, or numbers of any plant species (upland, riparian, wetland, etc.)?	
b.	Numbers or health & vigor of any unique, species of concern, rare, threatened or endangered plants?	
c.	Normal recruitment of existing, native species?	
d.	Other?	
V.	ANIMALS:	
a.	Diversity of species, or numbers of any species of animals (birds, mammals, fish, invertebrates)?	
b.	Unique, species of concern, rare, threatened, or endangered animals (review T&E lists)?	
c.	Native animals (migration barriers, competition from non-natives, etc.)?	
d.	Existing fish & wildlife habitat or critical habitat (nesting, spawning, etc.)?	
e.	Human activity during sensitive life stages (nesting, spawning, etc.)?	
f.	Other?	
VI I.	OTHER HUMAN CONSIDERATIONS:	
a.	Noise levels?	
b.	Present or planned land uses?	
c.	Aesthetic resource, scenic value, or natural area?	
d.	Recreational opportunities?	
e.	Public health and safety?	
f.	Public interest related to the site or watershed?	
g.	Economic impacts to the clients, landowners, or public?	
h.	Client well being?	
i.	Environmental justice?	
J.	Other?	

**SPECIAL ENVIRONMENTAL CONCERNS:** Check each category. If the effect is adverse or positive to any of the following, explain in the notes section or on an attachment. . Under **Present** indicate **Yes** or **No**. For **Cultural Resources** purposes, if the activity is an "Undertaking", separate primary documentation is required. For other **Concerns** supplemental documentation may be required.

Concerns	NRCS Policy Procedure	Present	Positive/Adverse Effect
<b>Threatened or Endangered Species</b> (To ensure actions do not jeopardize T&E species)	190 GM- 410.22 , California Endangered Species Handbook		
<b>Natural Area</b> (To recognize and consider impacts when planning and recommending actions adjacent to nearby Natural Areas)	190 GM 410.23		
<b>Landscape Resource</b> (To preserve and enhance scenic beauty or improve landscape)	190 GM 410.24		
<b>Floodplain Management</b> (To conserve, preserve and restore existing natural and beneficial values of floodplains)	190 GM 410.25		
<b>Wetland</b> (To protect, maintain and restore wetland functions and values)	190 GM 410.26, NFSA Manual		
<b>Stream Channel Modification</b> (To maintain and restore streams, wetlands and riparian vegetation as functioning parts of a viable ecosystem)	190 GM 410.27-28		
<b>Riparian Area</b> (To protect, maintain, and restore riparian areas)	190 GM 411		
<b>Prime and Unique Farmland</b> (To minimize unnecessary and irreversible conversion of farmland to non agricultural use)	310 GM 403		
<b>Cultural Resources</b> (To preserve and prevent the destruction or degradation of cultural resources, including historical archaeological sites and traditional cultural places)	420 GM 401		
<b>Coastal Zone Management Area</b> (To ensure conservation of coastal resources)	Federal Register 6/25/99, PL 92-583		
<b>Wild and Scenic River</b> (Consideration of impacts when actions affect areas adjacent to Wild and Scenic Rivers)	Federal Register 9/7/82, p. 39454		
<b>Special Aquatic Site</b> (To protect, restore and maintain special aquatic sites)	Federal Register 12/24/80 EPA 404(b)(1) 230.3 & 230.10		
<b>Essential Fish Habitat</b> (To conserve and enhance fish habitat for salmon, shellfish, marine fish)	50 CFR 600.905-930 Federal Register 12/19/97		

### OTHER CONSIDERATIONS

Documentation of the following questions can be completed here.

a. If wetland impacts are proposed, conduct a wetland determination and complete the NRCS minimal effects procedure per the Food Security Act Manual. Make certain that the client contacts the US Army Corps of Engineers to determine the need for a Permit under Section 404 of the Clean Water Act and Section 10 Rivers and Harbors Act and the Regional Water Quality Control Board for Section 401 Clean Water Act certification.

b. If a stream, lake or other water body is involved the client should contact the California Department of Fish and Game for a Section 1600 Stream Alteration Agreement.

c. Document mitigation planned or required to avoid, minimize, or compensate for negative impacts:

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d. Document communications with USFWS, NMFS, Corps of Engineers, EPA, CDFG, RWQCB, NRCS Biologist, etc.

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e. Discuss any **Cumulative Effects** (beneficial or adverse):

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f. Alternatives to Proposed Action that were considered (include reasons why alternative was not selected):

1. No Action

2. 

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3. 

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4. 

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g. Remarks or Other Considerations:

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<b>RECOMMENDATION (check one)</b>
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☐ Based upon the conclusions below, I find that this action will not have significant adverse impacts on the quality of the human environment. No further environmental analysis is required. The assessment indicates work should proceed.

☐ Further analysis is necessary, including the possible need to prepare an Environmental Impact Statement or a Finding Of No Significant Impact. The landowner will be informed not to proceed until further assessment is completed.

h. Conclusions, based upon the assessment (rationale for the findings above):

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Signature (Planner)	Title	Date
---------------------	-------	------

Reviewed/Concurred By	Title (District Conservationist)	Date
-----------------------	----------------------------------	------

## Environmental Document Review Worksheet

Name of Document: \_\_\_\_\_

Name of Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

Item	Comments
1. Soil suitability and limitations.	
2. Provisions for erosion, sediment, and dust control.	
3. Considerations for soil and water conservation management systems.	
4. Water discharge from project area.	
5. Effects of disruption to the natural drainage patterns and severance of private land units.	
6. Impacts on previously installed soil and water conservation management systems.	
7. Impacts on prime and unique farmland.	
8. Impacts on ecosystems.	
9. Impacts on other NRCS-related projects.	

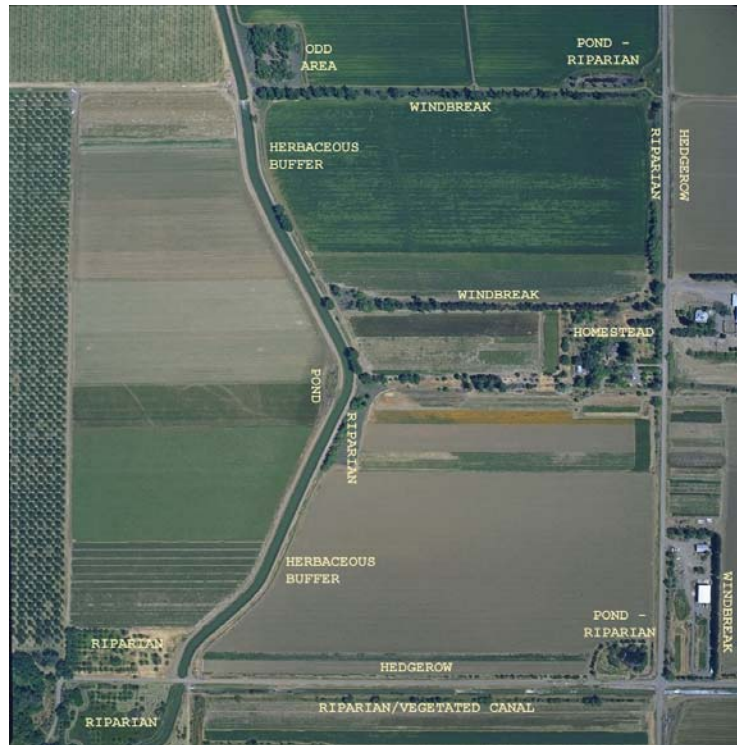
Additional comments:





## SECTION II

### SPECIAL ENVIRONMENTAL CONCERNS





## SECTION II

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# **USDA, NATURAL RESOURCES CONSERVATION SERVICE**

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## **SECTION II - SPECIAL ENVIRONMENTAL CONCERNS**

### **1. INTRODUCTION**

This Section provides guidance and information on special environmental concerns listed on the third page of the Environmental Assessment Worksheet, plus Air Quality. These natural resource concerns are covered by specific laws and regulations. Some require permits, others may require consultation with the agency or agencies responsible for protecting the resource. For guidance on permits see Section III of this handbook.





## II-A. THREATENED OR ENDANGERED SPECIES

### 1. INTRODUCTION

Threatened and Endangered (T&E) Species are those plants, or animals, which after a review of the species' status, the Secretary of the Interior classifies as "threatened," or "endangered" based on the best available scientific and commercial data. The US Fish and Wildlife Service (FWS) publishes comprehensive notices containing the names of species that are considered to be candidates for listing as "threatened," or "endangered" under the Endangered Species Act of 1973. The National Marine Fisheries Service (NMFS) is responsible for protecting marine species.

The Endangered Species Act states that in addition to the Department of the Interior, all other Federal departments and agencies in consultation with, and with the assistance of the Secretary of the Interior, shall utilize the departments' and agencies' authorities to advance the purposes of the Act by executing programs for the conservation of threatened and endangered species that are listed.

Section 7 of the Act requires that all Federal agencies, in consultation with, and with the assistance of the Secretary of the Interior, shall ensure that its agency actions and activities do not jeopardize the continued existence of threatened and endangered species, or result in the destruction, or adverse modification of the species' critical habitat. The extent of a particular species' critical habitat is determined by the FWS or, in the case of marine species, the NMFS. Consult the FWS or NMFS Office concerning the extent of a species' critical habitat.

The principal hazard to threatened and endangered species is the destruction of their habitats by human activities associated with industrialization, urbanization, agriculture, lumbering, recreation and transportation. Even conservation efforts for the protection, or restoration of T&E species' habitats can have potential adverse impacts, e.g., if done at the wrong time of the year, if done in special areas such as spawning areas, or if there are other species present.

Threatened and endangered species are those US plant and animal species that are reduced in numbers, making extinction a high probability. The disappearance of these species would be a biological, cultural and, in some cases, an economic loss to the Nation. The species' continued existence contributes to scientific knowledge and understanding, adds to recreational and commercial pursuits, and provides interest, purpose and variety to human existence.

### 2. GOVERNING LAWS AND JURISDICTION

Federal: Endangered Species Act of 1973, as amended.

State: California Endangered Species Act

Authority: Fish and Game Code Sections 702 and 2081(d).

Reference: Fish and Game Code Sections 2080 and 2081.

Also refer to: Subdivision 3, Chapter 6 Regulations For Implementation of the California Endangered Species Act, Article 2. Take Incidental to Routine and Ongoing Agricultural Activities.

### 3. NRCS RESPONSIBILITY/ASSISTANCE TO CLIENTS

The NRCS policy (GM 190 Part 410.22(b)) states: NRCS will assist in the conservation of threatened and endangered species, and consistent with legal requirements, avoid, or prevent activities detrimental to such species. NRCS's concern for these species will not be limited to those listed by the Secretary of the Interior and published in the Federal Register, but will include species designated by state agencies as rare, threatened, or endangered.

**NOTE:** The **California Endangered Species Handbook** provides guidance and information for NRCS on the Federal Endangered Species Act and California Endangered Species Act.

#### 4. PROCEDURES

The District Conservationist will determine for NRCS nonproject-type activities, if the installation of one or more conservation practices will have a probable effect on any listed species, or their habitat. If the Environmental Evaluation (EE) indicates the action may affect a listed species, or result in the destruction, or adverse modification of the habitat of a listed species which has been determined to be critical habitat, NRCS will advise the landuser of the requirements of the Endangered Species Act and recommend alternative conservation treatment to avoid the adverse effects. Further assistance will be provided only if one of the alternative conservation treatments is selected for installation, or at the request of the landowners, NRCS will initiate formal consultation with the FWS or NMFS as outlined in Title 50, Chapter IV, Part 402 of the Code of Federal Regulations (CFR). If the EE indicates that the action will not affect (No Effect determination) the listed species, or result in the destruction, or adverse modification of critical habitat, or habitat that has not been determined to be critical habitat, formal consultation generally will not apply and shall not be initiated.

#### 5. EXHIBITS

II-A-1. Guide for Threatened & Endangered Species Evaluation

#### 6. REFERENCE WEB SITES

Information on endangered species can be found on these internet sites:

US Fish and Wildlife Service: FWS NHQ <http://endangered.fws.gov/>  
Pacific Region <http://www.r1.fws.gov/text/species.html>

National Marine Fisheries Service: NMFS NHQ <http://www.nmfs.gov/>  
Northwest Region <http://www.nwr.noaa.gov/>

California Department of Fish and Game: <http://www.dfg.ca.gov/endangered/index.html>

California Native Plant Society: <http://www.cnps.org/>

Calflora <http://www.calflora.org>

Endangered Species Recovery Program, Fresno, CA: <http://arnica.csustan.edu/esrpp/esrpp.htm>

California Environmental Resources Evaluation System (CERES): <http://ceres.ca.gov/cgi-bin/theme>  
SEARCH: "Endangered"

California Department of Pesticide Regulation <http://www.cdpr.ca.gov/docs/es/index.htm>



Valley elderberry longhorn beetle



California freshwater shrimp



Burrowing owl



Exhibit II-A-1

**GUIDE FOR THREATENED & ENDANGERED SPECIES EVALUATION**

**Step 1.** Is the proposed action, or activity scheduled to occur in an area where a threatened or endangered species is known or thought to exist for at least part of the year? Information on potential species can be obtained from local knowledge, California Natural Diversity Data Base (Rarefind), or from the following agencies: U.S. Fish and Wildlife Service, National Marine Fisheries Service or California Department of Fish and Game.

NO ☐ YES ☐

- a. If your answer is "NO," document "No Effect" on the Environmental Assessment Worksheet. Proceed with planning.
- b. If your answer is "YES", go to step 2.

**Step 2.** Is the proposed action, or activity scheduled to occur in, or near a critical habitat of a threatened, or endangered species?

NO ☐ YES ☐

- a. If your answer is "NO," document "No Effect" on the Environmental Assessment Worksheet. Proceed with planning.
- b. If your answer is "YES", go to step 3.

**Step 3.** What is the effect of the proposed action, or activity on the threatened or endangered species, or its habitat?

NONE ☐ POSITIVE ☐ NEGATIVE ☐

- a. If your answer is "NONE," (no effects either positive, or negative), document "NO EFFECT" on the Environmental Assessment Worksheet. Proceed with planning.
- b. If your answer is "POSITIVE," and the effects are consistent with the goals and aims of maintaining, protecting and preserving threatened and endangered species and their habitat, document (describe) the positive effects on the NRCS Environmental Assessment Worksheet (EAW) and proceed with planning. If there are "POSITIVE" effects for purposes other than environmental and those effects appear to be not consistent with the goals and objectives of maintaining, protecting and preserving threatened, or endangered species, or their habitat, consider your answer as "NEGATIVE," the same as "c" below.
- c. If there are "NEGATIVE" effects, document (describe) the effects on the NRCS Environmental Assessment Worksheet (EAW). Go to step 4.

**Step 4.** You must inform the landuser of NRCS's policy, GM 190, Part 410.22(b), concerning threatened and endangered species and the possible use of alternative conservation measures to avoid adverse effects to species, or their habitat. If there are potential negative effects from proposed action, alternative conservation treatment must be offered to the landuser. Has the landuser agreed to install the alternative treatment?

YES ☐ NO ☐

- a. If your answer is "YES," document on EAW. Proceed with planning.
- b. If your answer is "NO," go to step 5.

**Step 5.** If the landowner requested that NRCS initiate formal consultation with the FWS, or NMFS, has that consultation reached an agreement on how assistance can be provided?

YES ☐ NO ☐

- a. If your answer is "YES," proceed with planning.
- b. If your answer is "NO," no further NRCS assistance can be provided for that portion of the landowner's property.







## II-B. CULTURAL RESOURCES

### 1. INTRODUCTION

Cultural resources are the traces of all the past activities and accomplishments of people. They include tangible traces such as historic districts, sites, buildings, structures, historical documents and cemeteries. They also include traces of less tangible objects like dance forms, aspects of folk life, cultural, or religious practices, and some landscapes and vistas.

When a cultural resource is properly documented, a Cultural Resources Specialist or a professional archeologist will evaluate its significance using the criteria at 36 CFR 60.4. This will determine its eligibility for the National Register of Historic Places (National Register). If a cultural resource is evaluated as being eligible for the National Register and the State Historic Preservation Officer (SHPO) concurs with the evaluation, it becomes an *historic property*.

Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

### 2. GOVERNING LAWS AND JURISDICTION

Federal historic preservation laws are: Antiquities Act of 1906, Historic Sites Act of 1935, National Historic Preservation Act of 1966, Archeological and Historic Preservation Act of 1974, Archeological Resources Protection Act of 1979, and the Native American Graves Protection and Repatriation Act of 1990.

### 3. NRCS RESPONSIBILITY/ASSISTANCE TO CLIENTS

The Advisory Council on Historic Preservation (ACHP) advises the President and Congress on historical preservation matters based on established laws. The SHPO is responsible for a statewide historic preservation plan. Nationwide federal policy is contained in 36 CFR 800 which are the implementing regulations for Section 106 of the National Historic Preservation Act. Section 106 requires federal agencies to take into account the effects of their undertakings on historic properties and give the Advisory Council or its agent - the SHPO, a reasonable opportunity to comment on the undertaking. The purpose of the Section 106 review process is to accommodate historic preservation concerns with the needs of the Federal undertakings through consultation among the agency representative and the other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning.

### 4. PROCEDURES

NRCS recognizes that cultural resources are an integral part of our national heritage and recognizes its responsibilities for historic preservation, particularly as they are listed in the National Historic Preservation Act. NRCS will ensure that cultural resources are considered in all NRCS actions and programs.

Agencies also consult with officials of federally recognized Indian tribes (herewith, "tribe") when tribal lands or historic properties of significance to such tribes are involved. Some tribes have officially designated Tribal Historic Preservation Officers (THPOs), while others designate representatives to consult with agencies as needed.

To successfully complete Section 106 review, Federal agencies must:

- a. determine if Section 106 of NHPA applies to given project and, if so, initiate the review;
- b. gather information to determine if historic properties exist in the project area that are listed on or eligible for the National Register of Historic Places;

- c. determine how historic properties might be affected;
- d. explore alternatives to avoid or reduce harm to historic properties; and
- e. reach agreement with the SHPO/tribe (and the Council in some cases) on measures to deal with any adverse effects or obtain advisory comments from the Council, which are sent to the head of the agency.

In compliance with these regulations NRCS will:

- a. identify and protect cultural resources **early** in the planning and environmental evaluation process for all assistance activities classified as an undertaking that has the potential to cause effects on historic properties.
- b. protect cultural resources in their original location to the fullest extent practicable by avoiding adverse impacts.
- c. identify early in the planning process those other parties with an interest in the undertaking and consult with them.

## **5. EXHIBITS**

II-B-1 What are Cultural Resources?

II-B-2 Guide for Cultural Resources Evaluation

## **6. REFERENCE WEBSITES**

Advisory Council on Historic Preservation - <http://www.achp.gov>

Office of Historic Preservation - <http://ohp.parks.ca.gov>

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## WHAT ARE CULTURAL RESOURCES?

Cultural resources are all of the past activities and accomplishments of people. The cultural resources of concern to the SHPO and the NRCS are at least 45 years old. There are many types and include:

- Buildings/structures
- Objects
- Locations
- Landscapes
- Features

These all have scientific, historic and cultural values. Dance forms, folkways and less tangible resources are also considered to be cultural resources. They are the keys to understanding how we can maintain the health of the land for generations to come.

The people who lived long before us, their religions, technologies, and houses, and the environments in which they lived can be discovered through archeology. The archeological record -- the sites and objects left by those who came before us — are our only tangible links to more than 12,000 years of human occupation and development in North America. These are the only way to learn about people who did not keep written records and they can be used to confirm or correct written records that were left by our ancestors.

Landscapes and traditional cultural properties are the places where traditional events occur, activities are conducted and places in the landscape that are significant in traditional religion. Communities are held together by their traditions. These traditions are often associated by places.

Cultural landscapes and traditional cultural properties are a means of viewing resources of how a community has interacted with its environment over time. Recognition of these resources is based on the ever changing and evolving cultures that they reflect and they are also based on the role these properties play in the community's historically-rooted beliefs, customs and practices.

Buildings are those things that are created principally to shelter any form of human activity. Structure is a term usually used for things that are standing above ground. This includes a house, barn, church or hotel, cabin, pueblo or privy. The term may be also used to refer to a historically and functionally related unit such as a courthouse and jail or house and barn.

Object is used to distinguish between buildings and structures and those items that are primarily artistic in nature or relatively small in scale and simply constructed. An object is associated with a specific setting or environment.

Features are artifacts that normally cannot be moved. These include post-holes, fire pits, old fence lines, storage pits, mine entrances, mining prospect pits, slag heaps, scatters of cans, trash dumps, bedrock mortars, foundations of an historic site and even old trees.



## GUIDE FOR CULTURAL RESOURCES EVALUATION

**STEP 1.** Is the proposed action or activity an undertaking\* and, if so, does it have the potential to cause effects on historic properties?

NO ☐ YES ☐

\*Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; those requiring a Federal permit, license or approval; and those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency. - - ACHP, January 2001.

A. If your answer is "NO," no additional documentation is needed concerning cultural resources. Provide adequate documentation on the Environmental Assessment Worksheet. Proceed with planning.

B. If your answer is "YES," go to step 2.

**STEP 2.** Determine the Area of Potential Effect (APE).

Area of potential effects means the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking. - - ACHP, January 2001

In consultation with the SHPO/THPO, the agency official shall determine and document the APE.

You must include all areas to be altered: access and haul roads, borrow areas, areas where spoil will be placed, as well as the area of the actual conservation practice. All of these areas are the APE.

Go to step 3.

**STEP 3.** Consultation with Native Americans, representatives of local governments, applicants for federal assistance, and additional consulting parties, and the SHPO is required. Consultation must occur with federally recognized tribes and the SHPO. Because it is designed to be at a level that is appropriate with the nature, scope and scale of the project, activity or undertaking, representatives of local governments, applicants for federal assistance, and additional consulting parties may not need to be consulted or may not have requested to be consulted. Has consultation been completed?

NO ☐ YES ☐

If "NO," complete consultation. Ensure that the following items are addressed.

Has the Native American Heritage Commission (NAHC) been requested to identify Indian tribes that may have an interest and to check the NAHC sacred lands file?

NO ☐ YES ☐

Have the identified Indian tribes that may have an interest been contacted concerning areas of:

- religious and cultural importance and
- ancestral homelands and places of importance?

NO ☐ YES ☐

Has the process of seeking, discussing and considering the views of the tribe(s), and where feasible, seeking agreement of the resource decisions been properly documented? Include the documentation in the Conservation Assistance Notes part of the Conservation Plan.

NO ☐ YES ☐

Go to step 4.



**STEP 4.** Obtain a current literature review. Sources include information from the responsible Information Center, Confidential Archeological Report Addendum to Timber Harvest Plans, and archeology reports for certain properties or watersheds. Are documented historic properties located in or near the APE? Ask the landowner if a locally known site of importance is in or near the APE

NO ☐ YES ☐

A. If your answer is "NO," go to step 5.

B. If your answer is "YES":

Provide the producer with alternatives that avoid impacts to the site and conduct a field inspection to insure avoidance. If the producer chooses to not accept an alternative which avoids impact and proceeds with a practice that will result in an adverse impact, no further NRCS assistance can be provided for that portion of the producer's property. Go to step 5.

**STEP 5.** Conduct a field inspection to determine if historic properties are in or near the APE. This includes relocating known properties and finding new cultural resources. Early in project planning, walk over the APE looking for artifactual material or remains of historic structures. Determine the location and extent of any cultural remains.

A. If the field inspection reveals no findings of cultural resources, properly document your field inspection. Complete the NATURAL RESOURCES CONSERVATION SERVICE - ARCHEOLOGICAL AND HISTORICAL INVENTORY RECORD - NO CULTURAL RESOURCES PRESENT WORKSHEET.(In preparation) Proceed with planning.

B. If the field inspection reveals the presence of cultural resources, complete the Department of Parks and Recreation Primary Record Form (DPR 523A).

C. Inform the Cultural Resources Specialist (CRS) of the discovery of a new site. The CRS will evaluate the site's significance to determine its eligibility for the National Register. (Reread the Introduction) If human remains are found, immediately inform the county Coroner and then the CRS. Go to step 6.

**STEP 6.** Will the proposed action or activity avoid impacts to the historic property?

NO ☐ YES ☐

A. If your answer is "NO," the producer, with involvement of the CRS, should be presented alternatives which maintain a distance to be determined from the perimeter of the site to avoid impact. If the producer chooses not to follow any of the alternatives provided, no further technical assistance can be provided for that portion of the producer's property. Document the landowner's decision(s).

B. If your answer is "YES," provide documentation on the Environmental Assessment Worksheet. Proceed with planning. Go to Step 7.

**STEP 7.** Determine results of the identification, evaluation and consultation. NRCS has the requirement to make a determination that either:

- a. *No historic properties affected.* There are no historic properties present or there are historic properties present, but the undertaking will have no effect upon them.

NO ☐ YES ☐

1. *Agency documentation forwarded to SHPO/THPO?*

NO ☐ YES ☐

2. *Copy of Agency documentation provided to all consulting parties?*

NO ☐ YES ☐

b. *Historic properties affected.* There are historic properties present, which may be affected by the undertaking.

NO [ ]      YES [ ]

If yes - All information must be provided to the CRS for assistance with consultation regarding proposed treatment with all consulting parties.

Undertakings have adverse effects on historic properties if they cause: physical destruction of or damage to all or part of the property; alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the standards at 36 CFR 68; removal of the property from its historic location; change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance; introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features; neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance

**STEP 8.** If the Agency does not receive timely objection from the consulting parties (30 days), proceed with planning and implementation of the practice according to NRCS Standard and Specification.





# USDA, NATURAL RESOURCES CONSERVATION SERVICE

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## II-C. NATURAL AREAS

### 1. INTRODUCTION

Natural areas are defined as land and water units where natural conditions are maintained. Natural conditions usually result from allowing ordinary physical and biological processes to operate with a minimum of human intervention. Manipulations of natural areas may be needed to maintain, or restore features where degradation of those natural features has occurred (GM 190 Part 410.23). Natural areas may be designated areas of either publicly or privately controlled land. Designation may be formal, as provided under Federal regulations, or by foundations, or conservation organizations, that were specifically created to acquire and maintain natural areas. Designation may be informal in the case of private landowners who designate a specific area as a natural area and manage it accordingly. It is NRCS policy to recognize natural areas, if so dedicated, as a land use, and to support the designation of appropriate natural areas.

NRCS employees who provide technical assistance to land users, must inform them about the potentially adverse impact that the land user's decisions may have on adjacent, or nearby natural areas. Land users will be encouraged to consult with concerned agencies, societies, and individuals to arrive at mutually satisfactory land use and treatment.

Natural areas are established and maintained for a variety of purposes including:

- a. Furthering science and education. Natural areas provide sites for research and outdoor classrooms for study of plant and animal communities in environments with particular ecological conditions.
- b. Monitoring the surrounding environment. Natural areas serve as gauges against which to evaluate changes in land use, vegetation, animal life, air quality, or other environmental values.
- c. Providing recreation attractions. Natural areas are valued by many people for their scenic, wild, and undisturbed character, but must be protected to prevent disturbance, or alteration of the resources.
- d. Preserving unique values. Natural areas may be established to protect scenic, biologic, geologic, or paleontologic features.
- e. Serving as a genetic base for native plants and animals. Natural areas may be established to preserve examples of land and water ecosystems with their full range of genetic diversity of native plants and animals including threatened and endangered species.

### 2. GOVERNING LAWS AND JURISDICTION

The Significant Natural Areas Program was established to identify high-priority sites for the conservation of California's biological diversity and to inform resource decision-makers about the importance of these sites. The program's goals, as directed by the Fish and Game Code (Section 1930-1933), are to:

- a. Identify the most significant natural areas in California,
- b. Ensure the recognition of these areas,
- c. Seek the long-term perpetuation of these area, and
- d. Provide coordinating services for other public agencies and private organizations interested in protecting natural areas.

The Significant Natural Areas Program (SNAP) is administratively a part of the Department of Fish and Game's Wildlife and Habitat Data Analysis Branch. It works interactively with the Division's California Natural Diversity Database (CNDDDB).

California's natural diversity has been experiencing a steady decline since the arrival of European settlers. The rate of habitat decline has been especially rapid since World War II, prompting many different public agencies and private organizations to take action to slow the decline. Few of these new programs coordinated their activities, resulting in a very fragmented approach to conservation in California by the late 1970s. Many groups were individually pursuing their own goals, unaware of duplicative efforts by others. This situation led to an uneven and inefficient use of limited staff and funds. Certain species and habitats were receiving an inordinate amount of attention while others were being overlooked almost entirely. No comprehensive inventory of California's important natural diversity existed to guide conservation activities from a statewide perspective.

In response to this situation, a consortium of sixteen conservation groups formed in 1978 to propose the development of a statewide natural areas program. By 1979, the Significant Natural Areas Program (SNAP) had become administratively established within the California Department of Fish and Game (CDFG). In 1981, SNAP received a firmer, legislative basis by passage of Assembly Bill 1039 (Significant Natural Areas), which is now part of the Fish and Game Code (Sections 1930-1933).

What is a Significant Natural Area? Significant Natural Areas (SNA's) are areas that contain important examples of California's biological diversity. These areas are identified using the following biological criteria only, irrespective of any administrative, or jurisdictional considerations:

- a. Areas supporting extremely rare species, or habitats
- b. Areas supporting associations, or concentrations of rare species, or habitats
- c. Areas exhibiting the best examples of rare species and habitats in the state

These criteria are strictly biological and do not account for levels of protection, or threat. Sites may, or may not be well protected as in a nature reserve, and they may face many, or no threats. This type of detailed information, as well as information on site quality and conservation needs, are most readily available at the local level. The purpose of identifying these areas is to draw the attention of planners and managers to these areas and to begin a discussion about each area's specific needs.

How are Significant Natural Areas (SNA) identified? The geographic size and biological complexity of California require a rapid identification method if the entire state was to be analyzed at all. SNA's are identified in a phased process, starting first in an office setting using field-verified data from the CNDDB and biological expertise of SNAP staff. SNAP maintains a GIS-based inventory that is fully integrated with the CNDDB. Due to the current CNDDB emphasis on rare species and communities, the SNA Inventory is heavily weighted toward rarity. Future analyses are envisioned to incorporate other biological data such as common wildlife species, vegetation communities, and important habitat linkages.

The secondary phase of field inspection is conducted occasionally by SNAP staff, but depends more heavily on use of the data by field workers. These users send in additions, deletions, and other modifications that are used to update the SNA Inventory. Please inform CDFG of any corrections, or additions that you find necessary.

What does the SNA identification imply? The identification of SNAs is strictly for educational purposes and does not imply any additional authority by the Department over these areas. The Fish and Game Code clearly states that this identification will not change, or prevent the change in the use of any area so identified.

How is this information used?

- a. In watershed, or bioregional conservation planning (e.g. Habitat Conservation Plans, Natural Community Conservation Planning, and regional open space plans),
- b. In environmental document review, including recommending sites for mitigation banking,
- c. For designation of special-status areas on public lands, or acquisition planning for nature reserves, and
- d. In one-on-one conservation planning with individual landowners.

### **3. NRCS RESPONSIBILITY/ASSISTANCE TO CLIENTS**

NRCS will recognize natural areas, if so dedicated, as a land use, and will support the designation of appropriate natural areas. NRCS technical assistance can be furnished to representatives of administering agencies, foundations, groups, and individuals when requested through conservation districts. Conservation district officers will be encouraged to recognize appropriate natural area concepts and programs and to participate in them. NRCS employees will report to the State

Conservationist (STC) abuses and potential, or actual damages to natural areas that may be found in the course of ordinary business. NRCS will cooperate with professional societies, groups, and individuals in locating areas suitable for and needed as natural areas.

NRCS employees providing technical assistance to land users must inform them about the impact their decisions may have on adjacent, or nearby natural areas. Land users will be encouraged to consult with concerned agencies, societies, and individuals to arrive at mutually satisfactory land use and treatment.

Recommended classification systems for characterizing areas designated as ecological preserves, or as natural areas are contained in the following publications:

*Soil Taxonomy, A Basic System of Soil Classification for Making and Interpreting Soil Surveys*, USDA-NRCS Agricultural Handbook 436.

*Forest Cover Types of North America Exclusive of Mexico*, Report of the Committee on Forest Cover Types, Society of American Foresters, 1964.

*Potential Natural Vegetation of Conterminous United States*, A. W. Kuchler, American Geographical Society Special Publication 36, 1964.

Wetlands classification described by the U.S. Fish and Wildlife Service in its Circular 39.

NRCS will, to the extent feasible, use these classification systems when providing technical assistance on public and private natural areas and ecological preserves.

The NRCS published National List of Scientific Plant Names will be used when scientific names, or name symbols are needed for automated data processing.

#### **4. PROCEDURES**

NRCS staff will determine if any proposed activities will impact any Natural Area, or Significant Natural Area. Refer to the county Significant Natural Area Map and report that lists Significant Natural Areas. These can be found on the web site: <ftp://maphost.dfg.ca.gov/outgoing/whdab/sna/>. If the action, or activity will impact a designated Significant Natural Area, consult with the agency, or organization owning, or responsible for the area.

If the action, or activity will impact a species protected under the Federal, or California Endangered Species Acts follow guidance in the California Endangered Species Handbook.

Attached is a Guide for Natural Areas Evaluation (Exhibit II-C-1).

#### **5. EXHIBITS**

II-C-1 - Guide for Natural Areas Evaluation

Note: County Maps and Reports can be filed in this section or the Field Office Technical Guide.

#### **6. REFERENCE WEB SITES**

County Maps of Significant Natural Areas and County Reports: <ftp://maphost.dfg.ca.gov/outgoing/whdab/sna/>

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## GUIDE FOR NATURAL AREAS EVALUATION

**Step 1.** Are natural areas present in, or near the planning area that will be affected by the proposed action, or activity?

NO ☐ YES ☐

- a. If your answer is "NO," no additional documentation is needed concerning natural areas. Proceed with planning.
- b. If your answer is "YES," go to step 2.

**Step 2.** What effect will the land user's proposed action, or activity have on the natural area?

NONE ☐ POSITIVE ☐ NEGATIVE ☐

- a. If your answer is "NONE" (no effects either positive, or negative), no additional documentation is necessary. Proceed with planning.
- b. If there are "POSITIVE" effects and the effects are consistent with maintaining, protecting and preserving natural area characteristics, document (describe) the positive effects on the NRCS Environmental Assessment Worksheet and proceed with planning. If there are "POSITIVE" effects for purposes other than environmental and those effects appear to be not consistent with the goals and objectives of maintaining, protecting and preserving natural area characteristics, consider your answer as "NEGATIVE," the same as answer "c" below.
- c. If there are "NEGATIVE" effects, document (describe) the effects on the Environmental Assessment Worksheet. You may proceed with planning if the land user's proposed activities are consistent with NRCS policy. If those proposed activities are not consistent with NRCS policy and the land user still desires technical assistance for the proposed action or alternative, consult with the Area Office about performing an Environmental Assessment according to NRCS regulations in the General Manual (Title 190 Part 410). If additional clarification is needed, consult the NRCS State Environmental Coordinator.







# USDA, NATURAL RESOURCES CONSERVATION SERVICE

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## II-D. SCENIC BEAUTY (LANDSCAPE RESOURCES)

### 1. INTRODUCTION

Contributions to scenic beauty are a normal product of NRCS work. Strip-cropping, field borders, field windbreaks, and ponds are examples. Emphasis is given to those soil and water conservation measures that contribute to a productive and efficient agriculture, increase the attractiveness of rural America, and are in line with goals and objectives of conservation districts. This is best accomplished by considering the landscape visual resources when providing planning assistance to individual landowners, groups, units of government, and watershed resources conservation development project sponsors. NRCS responsibilities in recreation also offer opportunities to develop the scenic beauty of the rural landscape.

### 2. GOVERNING LAWS AND JURISDICTION

#### NRCS Policy References:

- a. General Manual, Title 190 – Ecological Science, Part 410- Compliance with NEPA, Subpart B – Related Environmental Concerns, Part 410.24 Scenic Beauty (landscape resources)
- b. Title 7 –Agriculture, Chapter VI – Natural Resources Conservation Service, Department of Agriculture, Part 650— Compliance With NEPA, 650.24 Scenic beauty (visual resources)

### 3. NRCS RESPONSIBILITY/ASSISTANCE TO CLIENTS

#### NRCS Policy:

Department of Agriculture Secretary's Memorandum 1695, May 28, 1970, "Protecting and Improving the Quality of the Environment," includes scenic beauty as an objective of the Department's programs (source for NRCS policy). NRCS will:

- a. Provide technical assistance with full consideration of alternative management and development systems that preserve scenic beauty, or improve the landscape;
- b. Emphasize the application of conservation practices having scenic beauty, or landscape resource values particularly in waste management systems, field borders, field windbreaks, wildlife and wetland habitat management, access roads, critical area treatment, design and management of ponds, stream margins, odd areas, and farmsteads. Siting, or positioning of structures and buildings should be in harmony with the landscape while reducing the potential for erosion. Recommendations should make use of native and other adaptable plants for conservation that enhance scenic beauty and create variety while linking with utility;
- c. Promote personal pride in landowners in the installation, maintenance, and appearance of conservation practices and their properties;
- d. Select suitable areas for waste products and use screens to hide 'eyesore' areas;
- e. Encourage conservation districts to include practices that promote scenic beauty in their annual and long range programs.

#### NRCS Responsibility:

NRCS will provide technical assistance through conservation districts to landowners, operators, communities, and state and local governments in developing programs relating to scenic beauty.

The NRCS Chief will assign appropriate NRCS National Headquarters leadership to ensure that enhancement of scenic beauty is included in national information, policy, guidelines, standards, and guidelines to specifications for conservation practices without impairing basic soil and water conservation functions.

- Emphasize in plant material center management and in plant material functions that locating and evaluating plants for forage, erosion control, and recreation or wildlife uses be carried out with full attention to landscape resource value.

The State Conservationist will assign appropriate staff member(s) to provide leadership in carrying out scenic beauty policy and procedure within the state.

- Develop and keep current a landscape management plan to improve and maintain the appearance of all real properties under NRCS control, and provide appropriate assistance to owners and managers of properties leased or rented by NRCS.
- Give emphasis to preserving scenic beauty and contributing to the landscape resource in the NRCS information program whenever opportunities exist.

#### 4. PROCEDURES

##### Coordination and Implementation:

- The governing body of each conservation district will be encouraged to revise or update its district program to appropriately provide for beautification of the countryside through applicable land use changes and effective soil and water conservation treatment.
- In providing assistance to watershed and resource conservation and development project sponsors and other resource planning groups for soil, water, and related resources, emphasis will be given to measures that preserve natural beauty or contribute to the quality of the landscape.
- Local organizations and groups interested in scenic beauty will be contacted and consulted for cooperation in and coordination with NRCS and conservation district efforts.

#### 5. EXHIBITS

##### II-D-1. Guide for Scenic Beauty (Landscape Resources) Evaluation



Wetland in Sacramento Valley

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## GUIDE FOR SCENIC BEAUTY (LANDSCAPE RESOURCES) EVALUATION

**STEP 1.** Are there unique or high-quality landscape resources in the planning area that could be affected by the proposed action or activity?

NO ☐ YES ☐ UNKNOWN ☐

a. If your answer is "No," proceed with planning.

b. If your answer is "Yes," go to step 2.

c. If your answer is "Unknown", meaning that you do not know if the proposed action or activity would affect unique or high-quality landscape resources, read the introduction above (page 45) and repeat step 1. If you are still uncertain about the status of the action or activity on the landscape in your planning area, consult your State Office Landscape Architect or Environmental Coordinator on the matter.

**STEP 2.** What effect will the proposed action or activity have on the landscape resources?

NONE ☐ POSITIVE ☐ NEGATIVE ☐

a. If your answer is "None" (no effects positive or negative), go to step 3.

b. If there are "Positive" effects, and the effects are consistent with the goals and aims of maintaining, protecting and preserving landscape resource values, document (describe) the positive effects on the NRCS Environmental Assessment Worksheet and go to step 3. If there are "Positive" effects for purposes other than environmental and those effects appear to be not consistent with the goals and objectives of maintaining, protecting and preserving landscape resource values, consider your answer as "negative," the same as answer "c" below.

c. If there are "Negative" effects, document (describe) the effects on the NRCS Environmental Effects Worksheet and consult with the State Office Landscape Architect or Environmental Coordinator on the matter.

**STEP 3.** Are native plants, which enhance scenic beauty and create variety, to be used in the proposed action or activity?

YES ☐ NO ☐

a. If your answer is "Yes," proceed with planning.

b. If your answer is "No," be sure the use of native plants has been considered and/or discussed as an alternative.





# USDA, NATURAL RESOURCES CONSERVATION SERVICE

## II-E. WETLANDS

### 1. INTRODUCTION

Wetlands are defined as land having a predominance of hydric soils and that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances does support a prevalence of hydrophytic vegetation typically adapted for life in saturated soils.

It is the policy of NRCS to aid in protecting, maintaining, managing, and restoring wetlands to ensure continued realization of their beneficial values while protecting the soil and water resource base for a viable economic agricultural enterprise. As a means of recognizing this balance between resource uses, NRCS uses an Environmental Evaluation. This evaluation, initiated in the early stages of planning, includes the identification and study of practicable alternatives to actions that may degrade or destroy wetlands, as well as consideration of actions that may preserve and enhance natural beneficial values of wetlands. Factors to be considered in the Environmental Evaluation are:

- Public health, safety and welfare, including water supply, quality, discharge and recharge; pollution; flood and storm hazards, as well as sediment and erosion.
- Maintenance of natural systems, including conservation and long-term productivity of existing flora and fauna, species and habitat diversity and stability, hydrological utility, and fish, wildlife, timber, food and fiber resources.
- Other uses benefiting the public interest, including recreation, and scientific and cultural uses.

In addition to providing critical habitat for wildlife and many threatened and endangered species, wetlands often provide benefits such as sediment abatement and flood control. They are also points for recharging groundwater and have been shown to improve water quality by filtering out contaminants such as heavy metals.

The Wetland Conservation provisions of the 1985 Farm Bill (Food Security Act) as amended in 1990 (Food, Agriculture, Conservation and Trade Act) and 1996 (Federal Agricultural Improvement Reform Act) requires all agricultural producers to protect the wetlands on the farms they own or operate if they wish to be eligible for USDA farm program benefits. Producers will not be eligible for USDA program subsidies if they plant an agricultural commodity on a wetland that was manipulated by drainage, leveling or any other means after December 23, 1985, or convert a wetland for the purpose of making the production of an agricultural commodity possible after November 28, 1990.

In addition to Farm Bill policy, wetlands are protected through Section 404 of the Clean Water Act and are regulated by the U.S. Army Corps of Engineers. In July 1994, USDA entered into a Memorandum of Understanding with the U.S. Army Corps of Engineers, Environmental Protection Agency and U.S. Fish & Wildlife Service for the purpose of establishing a cooperative, interagency approach to providing wetland delineations that would serve the purpose of both the Clean Water Act and the Food Security Act.

Wetland delineation is the process of establishing a boundary line between wetlands and uplands (or non-wetlands). Official procedures for delineating or mapping wetlands are outlined in the U.S. Army Corps of Engineers (COE) 1987 Wetlands Delineation Manual and in the National Food Security Act Manual, 5<sup>th</sup> Amendment, September, 2000. Additionally, local jurisdictions may have developed separate criteria for delineating wetlands.

### 2. GOVERNING LAWS AND JURISDICTION

- a. Swampbuster Provisions of the Food Security Act:  
National Food Security Act Manual, 3<sup>rd</sup> Edition, through the 5<sup>th</sup> Amendment, Sept. 2000  
7 CFR Part 12, Highly Erodible Land/Wetland Conservation Provisions
- b. Section 404 of the Clean Water Act: 40 CFR, January 1994  
<http://www.wetlands.com/regs/sec404fc.htm>
- c. Executive Order 11990, May 24, 1977, amended by EO 12608, Sept. 9, 1987
- d. GM 190 Part 410.26, Wetlands Protection policy.
- e. Wetlands of the United States, USFWS, Circular 39, 1957 (1971)

### **3. NRCS RESPONSIBILITIES / ASSISTANCE TO CLIENTS**

NRCS employees provide certified wetland delineations on agricultural land and on non-agricultural land when requested by USDA program participants. NRCS will complete a wetland delineation on a tract basis when the landowner submits a signed NRCS-CPA-038, Request for Certified Wetland Determination/Delineation. Additionally, NRCS will investigate potential wetland violations reported on Form FSA-569 and provide delineations for other USDA agencies whose policies require certified wetland delineations. However, NRCS employees may not enter onto private land for the purpose of certifying wetlands or investigating potential wetland violations unless the landowner has submitted a signed NRCS-CPA-038.

NRCS will take the lead for FSA and Clean Water Act purposes when the landowner plans an activity that does not require COE review or if the wetland is less than 0.5 acres in size. For any activity in a wetland requiring a COE permit, NRCS will direct the landowner to the appropriate COE office and will defer any further action until the landowner submits the Clean Water Act permit.

Specific responsibilities for NRCS State, Area and Field Office levels of administration as well as other agency roles are contained in NFSAM, 3<sup>rd</sup> Edition, Part 510.

### **4. PROCEDURES**

NRCS employees will utilize specific on-site wetland delineation procedures outlined in the California Mapping Conventions approved by the MOA partners in July, 1994. These include but are not limited to remote sensing tools, local soil survey information, USGS Topographic Maps, U.S. Fish & Wildlife Service Wetland Inventory Maps, hydric soils lists, Department of Water Resources records and U.S. Weather Bureau climate and precipitation information.

For wetland delineations on annually tilled, agricultural land, or land that has been converted to improved grasses or legumes (alfalfa hay or irrigated pasture grasses), NRCS will utilize procedures (including sampling and transect methods) established in the NFSAM, 3<sup>rd</sup> Edition to determine the presence of hydrology, hydric soils and hydrophytic vegetation. For wetland delineations on range and pastureland, natural adjacent wetland areas or other areas where natural or resident vegetation has not been converted or removed, NRCS employees will refer to the COE 1987 Wetlands Delineation Manual.

Only NRCS employees who have completed the COE Regulatory IV: Interagency Wetland Identification and Delineation training course are authorized to approve certified wetland delineations or determinations.

General procedures for making wetland delineations are contained in NFSAM, 3<sup>rd</sup> Edition, Part 514.

### **5. EXHIBITS**

II-E-1. Guide for Wetland Evaluation

### **6. REFERENCE WEB SITES**

1987 Wetlands Delineation Manual:

<http://www.spk.usace.army.mil/pub/outgoing/co/reg/wlman87.pdf>

Wetland/Swampbuster Q&A:

<http://www.nhq.nrcs.usda.gov/OPA/FB96OPA/SwampQA.html>

National List of Plants That Occur in Wetlands:

<http://www.nwi.fws.gov/bha/>

Certified Wetland Delineations:

<http://www.nhq.nrcs.usda.gov/OPA/FB96OPA/CertFact.html>

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## GUIDE FOR WETLAND EVALUATION

**STEP 1.** Is there a wetland present in or near the proposed action or activity that will be affected?

NO [ ]      YES [ ]      UNKNOWN [ ]

- a. If your answer is “No”, no additional documentation is needed concerning wetland areas. Proceed with planning.
- b. If your answer is “Yes”, go to step 2.
- c. If your answer is “Unknown”, meaning that you do not know if there is an existing wetland area present or nearby or that you do not know what a wetland is, refer to the National Food Security Act Manual or the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual. Read the introduction above and repeat step 1. If you are still uncertain about the status of a possible wetland in your planning area, consult your Area or State Office Biologist for further assistance.

**STEP 2.** What is the effect of the proposed action or activity on the wetland area?

NONE [ ]      POSITIVE [ ]      NEGATIVE [ ]

- a. If your answer is “None” (no effects, either positive or negative), no additional documentation is needed concerning the wetland area. Proceed with planning.
- b. If there are “Positive” effects, and the effects are consistent with the goals of maintaining, protecting and preserving wetland characteristics, document (describe) the positive effects on the NRCS Environmental Assessment Worksheet and proceed with planning. If there are “Positive” effects for purposes other than environmental and those effects appear to be not consistent with the goals and objectives of maintaining, protecting and preserving wetland areas, consider your answer as “Negative” and proceed to “c” below.
- c. If there are “Negative” effects, document (describe) the effects on the Environmental Assessment Worksheet. Proceed to Step 3.

**STEP 3.** To continue providing assistance to the landuser, prepare conservation practice alternatives that will not violate the wetland provisions of the Food Security Act (FSA) and which are in accordance with NRCS wetland policies referenced in GM 190-410.26. The proposed alternatives must avoid effects to the wetland. The alternative conservation practices must be presented to the landuser. Did the landuser accept the alternative conservation measures and incorporate them into his/her conservation plan?

YES [ ]      NO [ ]

- a. If your answer is “Yes”, continue to provide planning assistance and proceed with the alternative conservation plan.
- b. If your answer is “No”, go to step 4.

**STEP 4.** Under NRCS regulations, when the landuser rejects the alternative planning recommendations, you must offer to set up a meeting with the landuser and the U.S. Army Corps of Engineers (COE) in an attempt to resolve the issue regarding the wetland effects. Did the landuser agree to meet with the COE representative?

YES [ ]      NO [ ]

- a. If your answer is “Yes”, and if the landuser and the COE have reached an agreement on how the wetland area can be used, proceed with planning assistance that is consistent with the terms of the agreement.
- b. If your answer is “No”, and the landuser has refused an invitation to meet with the COE, you must inform the landuser that NRCS can no longer provide technical or financial assistance for the project.







## II-F. RIPARIAN AREAS

### 1. INTRODUCTION

Riparian areas are ecosystems that occur along watercourses, or water bodies. They are distinctively different from the surrounding lands because of unique soil and vegetative characteristics that are strongly influenced by free, or unbound water in the soil. Riparian ecosystems occupy the transitional area between the terrestrial and aquatic ecosystems. Typical examples would include floodplains, streambanks and lakeshores.

Although riparian areas constitute only a fraction of the total land area, they are generally more productive in terms of plant and animal species, diversity and biomass. Riparian areas are vital components of the ecosystems in which they occur and are extremely important for flood control and hydrologic function (water quantity, quality, and timing). It is important to recognize that not all riparian areas have the same potential, or react to management in the same way. Therefore, they should be managed according to their unique characteristics.

An understanding of the total watershed function is necessary to understand riparian areas and the process occurring within them. The attributes of a watershed system influence, and in some cases directly relate to, the kind of riparian factors present. Soils, geology and landscape features directly influence riparian area functions and values.

Riparian areas are not a land use, but may exist within all land covers and uses, such as cropland, hayland, pastureland, rangeland, and forestland. Conservation planning in riparian areas require special considerations. A resource problem within the riparian zone may be the manifestation of upland management decisions. Planners working with riparian areas should consider soils, the present plant community, the site potential, geomorphology of both the stream and the watershed, the stage of stream evolution, fish and wildlife needs, the management of the upland areas of the watershed and the producers objectives.

NRCS assistance helps landusers make sound resource management decisions. NRCS strives to provide the best alternatives for the proper use and management of these important resources. NRCS policy relative to riparian area recognition and management is found in 190-GM Part 411, which can be found on the internet at:

<http://www.nhq.nrcs.usda.gov/BCS/enviro/nepa.html>

### Definition and identification criteria.

#### a. Definition:

Riparian areas are ecosystems that occur along watercourses, or waterbodies. They are distinctly different from the surrounding lands because of unique soil and vegetation characteristics that are strongly influenced by free, or unbound water in the soil. Riparian ecosystems occupy the transitional area between the terrestrial and aquatic ecosystems. Typical examples would include floodplains, streambanks, and lakeshores.

#### b. Indicators of riparian areas include:

- 1) Vegetation - The kinds and amounts of vegetation will reflect the influence of free, or unbound water from an associated watercourse, or water body and contrasts with terrestrial vegetation.
- 2) Soils - Soils in natural riparian areas consist of stratified sediments of varying textures that are subject to intermittent flooding, or fluctuating water tables that may reach the surface. The duration of the soil wetness feature is dependent upon the seasonal meteorological and hydrological characteristics of the adjacent water body.
- 3) Water - Riparian areas are directly influenced by water from a watercourse or water body. Riparian areas occur along natural watercourses such as perennial or intermittent streams and rivers, or adjacent to natural lakes. They may also occur along man-made watercourses or water bodies such as ditches, canals, ponds, and reservoirs.

## **2. GOVERNING LAWS & JURISDICTION**

Riparian areas are not specifically regulated by federal law. However, portions of riparian areas, such as wetlands and Waters of the U.S., may be subject to federal regulation under provisions of The Food Security Act, The Clean Water Act, The National Environmental Policy Act and state and local legislation. NRCS planning policy (190 GM, part 411.03) for riparian areas states that plans involving riparian area management must maintain, or improve water quality and quantity benefits. If the landuser's objectives are in conflict with conservation of the riparian area resources, alternatives must be presented that identify ways to resolve conflicts.

## **3. NRCS RESPONSIBILITY / ASSISTANCE TO CLIENTS**

a. NRCS will assist the land manager to recognize the values of riparian areas including their contribution to flood control, streambank stabilization, nutrient cycling, pollutant filtering, and sediment retention. Riparian areas may include fish and wildlife habitat, forage and forest product production, and recreational activities. Local and regional water cycles will affect the size and value of a riparian area.

b. Riparian areas are not a separate land use, but may exist within all land covers and uses, such as cropland, hayland, pastureland, rangeland, forest land and wildlife land.

c. Riparian areas will be outlined in the Conservation Management System planning process contained in the National Planning Procedures Handbook for the appropriate land use. Plans that include riparian areas will meet the quality criteria for the soil, water, air, plant, and animal resources within the riparian areas. Additional planning guidelines are contained in the National Biology Manual, National Forestry Manual, and National Range Handbook. These manuals, or handbooks will be updated to address the proper conservation use and management of riparian areas that occur within the various land uses.

d. Riparian area management shall be integrated into plans and management alternatives developed for the conservation treatment unit (CTU). Management alternatives will be based on those resource problems and conservation treatments necessary to solve all the resource problems in the CTU and meet the landuser's objectives. Due to a riparian area's unique position near watercourses, or water bodies, the planner should always consider the water quality and quantity benefits being provided. The plans must maintain, or improve those benefits. If the landuser's objectives are in conflict with conservation of the riparian area resources, alternatives must be presented that identify ways to resolve conflicts.

e. Leadership for riparian area technology will be shared among technical disciplines. The identified land use of a riparian area will determine the appropriate manuals, handbooks, and other documents to use for inventorying, planning, and plan implementation.

## **4. PROCEDURES**

NRCS policy relative to recognition and management of riparian areas is found in the 190 GM Part 411. Determine if actions impact riparian area (refer to National Wetland Inventory maps, CDFG has also mapped riparian areas). Follow guidance related to appropriate regulations, which may include:

- a. Wetland Conservation provision of the Food Security Act (NFSAM)
- b. Clean Water Act, Section 404 - Corps of Engineers
- c. Clean Water Act, Section 401 - Regional Water Quality Control Boards
- d. Stream Alteration Agreement, Fish and Game Code, Section 1600 - California Department of Fish and Game
- e. Wild & Scenic Rivers Act
- f. Endangered Species Act (Federal & California)
- g. NEPA
- h. CEQA

## **5. EXHIBITS**

II-F-1 Guide for Riparian Areas Evaluation

## **6. REFERENCE WEB SITES**

NRCS Policy on Riparian Areas  
<http://www.nhq.nrcs.usda.gov/BCS/enviro/nepa.html>

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## GUIDE FOR RIPARIAN AREAS EVALUATION

**STEP 1.** Is there a riparian area present in or near the proposed action or activity that will be affected?

NO ☐      YES ☐      UNKNOWN ☐

- a. If your answer is “No”, no additional documentation is needed concerning riparian areas. Proceed with planning.
- b. If your answer is “Yes”, go to step 2.

**STEP 2.** What is the effect of the proposed action or activity on the riparian area?

NONE ☐    POSITIVE ☐      NEGATIVE ☐

- a. If your answer is “None” (no effects, either positive or negative), no additional documentation is needed concerning the riparian area. Proceed with planning.
- b. If there are “Positive” effects, and the effects are consistent with the goals of maintaining, protecting and preserving riparian characteristics, document (describe) the positive effects on the NRCS Environmental Assessment Worksheet and proceed with planning. If there are “Positive” effects for purposes other than environmental and those effects appear to be not consistent with the goals and objectives of maintaining, protecting and preserving riparian areas, consider your answer as “Negative” and proceed to “c” below.
- c. If there are “Negative” effects, document (describe) the effects on the Environmental Assessment Worksheet. Proceed to Step 3.

**STEP 3.** If the riparian area is wetland or contains wetland continue providing assistance to the landuser, prepare conservation practice alternatives that will not violate the wetland provisions of the Food Security Act (FSA) and which are in accordance with NRCS wetland protection policies referenced in GM 190-412.26 and 411. The proposed alternatives must avoid effects to the wetland. The alternative conservation practices must be presented to the landuser. Did the landuser accept the alternative conservation measures and incorporate them into his/her conservation plan?

YES ☐    NO ☐

- c. If your answer is “Yes”, continue to provide planning assistance and proceed with the alternative conservation plan.
- d. If your answer is “No”, go to step 4.

**STEP 4.** Under NRCS regulations, when the landuser rejects the alternative planning recommendations, you must offer to set up a meeting with the landuser and the U.S. Army Corps of Engineers (COE) in an attempt to resolve the issue regarding the wetland effects. Did the landuser agree to meet with the COE representative?

YES ☐    NO ☐

- a. If your answer is “Yes”, and if the landuser and the COE have reached an agreement on how the wetland area can be used, proceed with planning assistance that is consistent with the terms of the agreement.
- b. If your answer is “No”, and the landuser has refused an invitation to meet with the COE, you must inform the landuser that NRCS can no longer provide technical or financial assistance for the project.





## II-G. FLOODPLAIN MANAGEMENT

### 1. INTRODUCTION

Floodplains are defined as lowlands or relatively flat areas adjoining inland or coastal waters, including at a minimum, areas subject to a one percent or greater chance of flooding in any given year.

The “base” floodplain is set equal to the “100 year” floodplain, also referred to as the “one percent chance floodplain. The “critical action” floodplain is defined as the 500-year floodplain (the 0.2 percent chance floodplain) where there is the presence of a facility, such as a school, hospital, nursing home, utility or a facility producing volatile, toxic or water-reactive materials. Floodplains are shown on maps produced by the Federal Emergency Management Agency (FEMA) and on Natural Resources Conservation Service (NRCS) Watershed Plans and Floodplain Management Studies.

NRCS policy on floodplains is found in the General Manual (GM 190 Part 410.25) and reflects Executive Order 11988, which was signed by President Jimmy Carter on May 24, 1977. The E.O. requires that decisions by Federal agencies must recognize that floodplains have unique and significant public values. Federal agencies are instructed to consider the natural and beneficial values of floodplains as well as the public benefits to be derived from floodplain restoration or preservation.

The objectives of E.O. 11988 are to avoid, to the extent possible, the long and short-term adverse impacts associated with occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development where there is a practical alternative.

Through proper planning, floodplains can be managed to reduce the threat to human life, health and property in ways that are environmentally sensitive. Most floodplains are areas with valuable assets that sustain and enhance human existence. Some of these assets include agricultural and forest food and fiber products, fish and wildlife habitat, temporary floodwater storage, parks and recreation, and other environmental values.

### 2. GOVERNING LAWS AND JURISDICTION

Executive Order 11988, May 24, 1977

There may also be certain activities involving California Water Quality Certifications under Section 401 of the Clean water Act, Clean Water Act Section 404 permit requirements and Section 7 Consultations for projects involving T&E species for which NRCS is involved.

### 3. NRCS RESPONSIBILITIES / ASSISTANCE TO CLIENTS

The Natural Resources Conservation Service provides leadership and takes action, where practicable to conserve, preserve and restore existing natural and beneficial values in base (100 year) floodplains as part of the technical and financial assistance programs that the agency administers.

NRCS provides technical and financial assistance to landowners and operators primarily through Resource Conservation Districts, special purpose districts, and other state or local subdivisions of state government. Acceptance of this assistance is voluntary on the part of the land user. NRCS does not have the authority to make land use decisions on non-federal land, however, NRCS employees can provide the landowner with flood hazard data and technical information on floodplain natural values. NRCS can provide information to the land user on how alternative land use decisions may effect the aquatic and terrestrial ecosystems, human safety, property and public welfare. Alternatives to floodplain occupancy, modification, and development are discussed onsite with the land user by NRCS.

The District Conservationist is delegated the responsibility for providing technical assistance and approving financial assistance to land users in non-project actions, where applicable, and for deciding what constitutes an adverse effect or incompatible development of a base floodplain. This assistance will be based on official NRCS policy, rules, guidelines, and procedures found in NRCS handbooks, manuals, memoranda, etc. For NRCS-assisted non-project actions, the District Conservationist, on the basis of the environmental assessment, will advise recipients of technical and financial assistance about what constitutes a significant adverse effect or incompatible development in the base floodplain.

#### **4. PROCEDURES**

NRCS technical and financial assistance concerning floodplains is provided to landusers primarily on non-federal lands through local Resource Conservation Districts as well as by other state and local government agencies. Through NRCS's planning process, both short and long-term positive and negative impacts to floodplains will be documented on the California Environmental Assessment (EA) Worksheet and used to develop sound conservation alternatives. A copy of the EA will be made a part of the conservation plan file folder maintained in the NRCS Field Office.

#### **5. EXHIBITS**

##### **II-G-1 Guide for Floodplain Management Evaluation**



Sacramento River Floodplain near Nord



Cosumnes River Floodplain, Cosumnes River Preserve

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## GUIDE FOR FLOODPLAIN MANAGEMENT EVALUATION

**STEP 1.** Is the proposed action or activity scheduled to occur in an area where a floodplain is known or thought to exist?

NO ☐ YES ☐ UNKNOWN ☐

- a. If your answer is "No", no additional documentation is needed concerning floodplain areas. Proceed with planning.
- b. If your answer is "Yes", go to step 2.
- c. If your answer is "Unknown", meaning that you do not know if there is an existing floodplain present or that you do not know what a floodplain is, read the introduction above and repeat step 1. If you are still uncertain about the status of a floodplain in your planning area, consult your Area or State Office Hydraulic Engineer or Soil Scientist on the matter.

**STEP 2.** Does the floodplain have an agricultural area that has been used to produce food, fiber, feed, forage or oilseed for at least 3 of the last 5 years before the request for assistance?

NO ☐ YES ☐

- a. If your answer is "No", the landuser may not be eligible for technical and/or financial assistance from the NRCS (Refer to 190-GM, 410.25(3 & 4)).
- b. If your answer is "Yes", go to step 3.

**STEP 3.** Is the floodplain's agricultural production in accordance with official state or designated area water quality plans?

NO ☐ YES ☐

- a. If your answer is "No", the landuser may not be eligible for technical and/or financial assistance from the NRCS (Refer to 1-90-GM, 410.25(3 & 4)).
- b. If your answer is "Yes", the landuser is eligible to receive technical and/or financial assistance under Executive Order #11988 on floodplains. Go to step 4.

**STEP 4.** What is the effect of the proposed action or activity on the "base" (100-year) floodplain?

NONE ☐ POSITIVE ☐ NEGATIVE ☐

- a. If your answer is "None" (no effects either positive or negative), no additional documentation is needed concerning the "base" floodplain. Go to step 5.
- b. If there are "Positive" effects, and the effects are consistent with the goals and aims of maintaining, protecting and preserving the "base" floodplain characteristics, document (describe) the positive effects on the NRCS Environmental Assessment Worksheet and go to step 5. If there are "Positive" effects for purposes other than environmental and those effects appear to be not consistent with the goals and objectives of maintaining, protecting and preserving "base" floodplains, consider your answer as "negative", the same as answer "c" below.
- c. If there are "Negative" effects, document (describe) the effects on the NRCS Environmental Assessment Worksheet. Go to step 6.

**STEP 5.** What is the effect of the proposed action or activity on the "critical action" (500-year) floodplain?

NONE ☐ POSITIVE ☐ NEGATIVE ☐

- a. If your answer is "None" (no effects either positive or negative), no additional documentation is needed concerning the "critical action" floodplain. Proceed with planning.



b. If there are "Positive" effects, and the effects are consistent with the goals and aims of maintaining, protecting and preserving the "critical action" floodplain characteristics, document (describe) the positive effects on the NRCS Environmental Assessment Worksheet and proceed with planning. If there are "Positive" effects for purposes other than environmental and those effects appear to be not consistent with the goals and objectives of maintaining, protecting and preserving "critical action" floodplains, consider your answer as "negative", the same as answer "c" below.

c. If there are "Negative" effects, document (describe) the effects on the NRCS Environmental Assessment Worksheet. Go to step 6.

**Step 6.** You must inform the landuser that there are adverse effects to a "base" or "critical action" floodplain, NRCS can provide technical and/or financial assistance only when the landuser is willing to implement alternatives that are located outside of the "base" or "critical action" floodplain. Is the landuser in compliance with NRCS's policy?

YES [ ] NO [ ]

a. If your answer is "Yes", proceed with planning.

b. If your answer is "No", you must terminate technical and/or financial assistance for the floodplain area.



## II-H CHANNEL MODIFICATION GUIDELINES

### 1. INTRODUCTION

These guidelines were developed by NRCS and the U.S. Fish & Wildlife Service to guide their personnel in identifying when and where channel modification may be used as a technique for implementing water and related land resource projects.

It is the policy of the NRCS that care and effort will be made to maintain and restore streams, wetlands and riparian vegetation as functioning parts of a viable ecosystem upon which fish and wildlife resources depend. It is also NRCS policy to use an interdisciplinary planning process that will promote a balance between the need to maintain a viable, naturally functioning ecosystem and other social, cultural and economic needs.

Congress has recognized that erosion, floodwater and sediment can cause damage in the watersheds of the rivers and streams of the United States. It has found that loss of life and damage to property constitute a menace to the national welfare and that the federal government should cooperate with states and their political subdivisions for the purposes of preventing such damages and of furthering the conservation, development, utilization and disposal of water.

Channel modification, used in a sensitive manner, is one method that can be utilized in solving specific water management problems. It may be needed to restore a watercourse impaired or damaged naturally or due to mismanagement of adjacent or upstream lands. It may also be needed to provide a safe and healthy environment as well as for the maintenance of existing agricultural productivity.

However, it should be recognized that channel modification can cause serious damage to fish and wildlife resources. In addition to the direct impact on the stream, channel modifications have, on occasion, led directly or indirectly to major drainage of wetlands, clearing of bottomland forests for intensive agriculture, and increased flooding and siltation in downstream areas.

### 2. GOVERNING LAWS AND JURISDICTION

- a. National Environmental Policy Act, (7 CFR 650), August 1979
- b. Section 1600 California Fish & Game Code  
<http://www.leginfo.ca.gov/cgi-in/waisgate?WaisdocID=0396216193+0+0+0&Waisaction=retrieve>
- c. General Manual, Part 190, Section 410, Compliance with NEPA  
<http://policy.nrcs.usda.gov/scripts/lpsiiis.dll/EDS/>

### 3. NRCS RESPONSIBILITIES / ASSISTANCE TO CLIENTS

NRCS planning responsibilities will include an inventory of resources, including fish and wildlife habitats, and their geographic delineation. It will also identify appropriate means for minimizing adverse impacts on habitat values.

Alternative plans will be formulated to:

- Optimize National Economic Development
- Emphasize environmental quality in accordance with NEPA requirements
- Provide alternatives which focus on various levels of economic and environmental components.

The formulation of plans will include inputs from all interested agencies, organizations or individuals interacting with any local sponsoring organizations. For each alternative plan, there will be an accounting of both beneficial and adverse effects. Consideration will be given to environmental, economic and technical aspects of the decision-making process. A practical alternative is one that meets all of the following tests:

- Is consistent with the Water Resource Council's Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies;
- Makes a significant contribution to project objectives;
- Results in less damage to fish and wildlife habitat.

Channel Modification will normally emerge as a last resort measure.

The following three types of alternatives will be considered singly or in combination:

**-Soil and Water Conservation Practices**

- Nonstructural**, such as land use regulation, land acquisition, maintenance of aquatic areas, floodplain zoning, flood-proofing existing buildings, emergency assistance and relocation of properties and people.
- Structural**, including but not limited to dams, floodways, dikes, levees (including setback levees), flood walls, pumping plants, diversions, wetland development, maintenance and restoration.

#### 4. PROCEDURES

NRCS and the U.S. Fish & Wildlife Service will work closely with state fish and wildlife agencies to inventory and assess the fish and wildlife resources and to plan alternatives, enhancements, replacement or necessary mitigation measures.

The level of effort to be devoted to the project by the Fish & Wildlife Service will be proportional to the value of the resources and expected impact on fish and wildlife habitat. If FWS determines at any stage of planning that it cannot participate, it will notify NRCS in writing, stating reasons for discontinued participation. FWS will, however, participate further in the process when they become involved in the review and comment stages of the watershed plan.

Both the NRCS and FWS recognize that planning will always involve state fish and wildlife agencies as well as the interested public and sponsoring agencies, at all stages throughout the planning process.

Most of the problems in applying the guidelines will be identified at the field planning level. When this occurs, the NRCS planner will consult directly with the FWS Field Supervisor (Ecological Services) and attempt to resolve the issue.

Should the NRCS planner and FWS Field Supervisor be unable to reach an agreement, the issue should be referred and coordinated as follows:

<b>USDA IN CONSULTATION WITH</b>	<b>USDI</b>
State Conservationist, NRCS	Area Manager, FWS
Chief, NRCS	Director, FWS
Assist. Secretary, Natural Res. & Envir.	Assist. Secretary, Fish, Wildlife & Parks
Secretary of Agriculture	Secretary of the Interior

#### 5. EXHIBITS

II-H-1. Guide for Stream Channel Modification Evaluation

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## GUIDE FOR STREAM CHANNEL MODIFICATION EVALUATION

**STEP 1.** Will the proposed action or activity scheduled to occur involve channel modification of a stream, wetland or riparian area?

YES [ ]      NO [ ]

- a. If your answer is “No”, no additional documentation is needed concerning channel modification. Proceed with planning.
- b. If your answer is “Yes”, go to step 2.

**STEP 2.** What effect will the proposed channel modification action or activity have on fish and wildlife resources? It is recommended that the U.S. Fish & Wildlife Service be requested to assist with the Environmental Assessment.

NONE [ ]    POSITIVE [ ]      NEGATIVE [ ]

- a. If your answer is “None” (no effects either positive or negative), no additional documentation is necessary. Proceed with planning.
- b. If there are “Positive” effects and the effects are consistent with maintaining, protecting and preserving fish and wildlife habitat, document (describe) the positive effects on the Environmental Assessment Worksheet and proceed with planning. If there are “Positive” effects for purposes other than environmental and those effects appear to be not consistent with the goals and objectives of maintaining, protecting and preserving fish and wildlife habitat, consider your answer as “Negative” and proceed to “c”.
- c. If there are “Negative” effects, document (describe) the effects on the Environmental Assessment Worksheet and refer to NRCS policy on natural areas and coordination with other groups. Detailed coordination procedures are found in GM 190-410.28. You may proceed with planning if the landuser’s proposed activities are consistent with NRCS policy. If those proposed activities are not consistent with NRCS policies and the landuser insists on continuing with the proposed action or activity, you must inform the landuser that NRCS can no longer provide technical or financial assistance for the project.





## II-I IMPORTANT FARMLANDS and FARMLAND PROTECTION

### 1. INTRODUCTION

The U.S. Department of Agriculture is responsible for the *Farmland Protection Policy Act* (FPPA) and *Farmland Protection Program* (FPP) which are designed to minimize the extent to which Federal and other programs contribute to the unnecessary and irreversible conversion of farmland to non-agricultural uses. FPPA ensures, to the maximum extent practicable, that Federal programs are administered in a manner that is compatible with State, unit of local government, and private programs to protect farmland."

NRCS is the agency primarily responsible for implementation of the FPPA and FPP. Under FPPA, NRCS provides technical assistance to Federal agencies, state and local governments, tribes, or nonprofit organizations that desire to develop farmland protection programs and policies. Through FPP, NRCS partners with local, state or private organizations to purchase easements

NRCS administers two closely aligned programs to promote wise use and protection of Important Farmlands. The *Farmland Protection Policy Act* (FPPA) provides agencies and organizations with information about Prime, Statewide Important, Unique and Locally Important Farmlands and relative values for agricultural uses. The purpose of this act is to minimize the irreversible conversion of farmland to non-agricultural uses.

The *Farmland Protection Program* (FPP) is designed to protect prime or unique farmland or other production soil from conversion to nonagricultural uses through purchase of easements or other interests to prohibit nonagricultural uses of productive farmland.

### 2. DEFINITIONS

As used in this document:

***Prime Farmland*** is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops and also is available for these uses (the land could be cropland, pastureland, forest land, or other land but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. Prime farmland includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage.

***Statewide Important Farmland*** is land other than Prime Farmland which has a good combination of physical and chemical properties for the production of food, feed, forage, fiber, and oilseed crops and is available for these uses (the land could be cropland, pastureland, forest land, or other land but not urban built-up land or water). Statewide Important Farmland, is determined by the appropriate State or local unit of government and the Secretary of Agriculture.

***Unique Farmland*** is land other than Prime and Additional Farmland of Statewide Importance, that is currently used for the production of specific high value food and fiber crops, as determined by the Secretary of Agriculture. It has the special combination of soil quality, location, growing season and moisture supply needed to economically produce sustained high quality and/or high yields of a specific crop when treated and managed according to modern farming methods. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits, and vegetables.

Important Farmland definitions used by the State of California are not the same as USDA definitions. Additional details regarding the legal definitions of Important Farmland are found in Governing Laws and regulations as follows.

### 3. GOVERNING LAWS & JURISDICTION

#### **Federal:**

- Soil Conservation and Domestic Allotment Act of 1935 (Public Law 74-46), April 27, 1935
- Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566), August 4, 1954
- Soil Information Assistance for Community Planning and Resource Development Act of 1966 (Public Law 89-560), September 7, 1966
- Coastal Zone Management Act of 1972 (Public Law 92-583) as amended, 1990
- Farmland Protection Policy Act (FPPA) of 1981 (Sections 1539-1549, Public Law 97-98), December 22, 1981 (7 U.S.C. Chapter 73 Sections 4201-4209 & 7USC 658)
- National Environmental Policy Act (NEPA) of 1969 (Public Law 91-190), January 1, 1970
- Farmland Protection Program (FPP) (Public Law 104-127, Section 388), (Title III, Section 388 of the Federal Agriculture and Reform Authority Act of 1996 [1996 Farm Bill] authorizes the FPP. 16 U.S.C. 3830)
- USDA Statement on Land Use Policy, Departmental Regulation 9500-3, March 22, 1983 (Implements FPPA)
- Flood Plain Management, Executive Order 11988, May 24, 1977 (Implements NEPA)
- Protection of Wetlands, Executive Order 11990, May 24, 1977
- Executive Order 12898 on Federal Actions to Address Environmental Justice in Minority and Low Income Populations issued February 11, 1994
- Farmland Protection Policy Act (FPPA) Rule, as amended 1994

#### **State:**

- California Land Conservation Act (Williamson Act, Assembly Bill 2117 - Government Code Section 51200-51297.4, January 1, 2001)
- Open Space Subvention Act of 1971 (Government Code Section 51200-51297.4, January 1, 2001)
- California Farmland Conservancy Program Act of 1995 Agricultural Land Stewardship Act of 1995 California Preservation of Agricultural Land Provisions (CA Pub. Res. Code Sec. 31150 through 31156, West 1986 & Supp.1996).

#### **Local:**

Local farmland preservation laws and land management regulations can be generally classified into two types: Land Use Ordinances and Land Management Ordinances. An example of a Local Land Use Ordinance would be the establishment of Local Agricultural Districts where land use is restricted in terms of potential development due to local zoning laws and the transfer of development rights from private landowners to the city or county. Landowners may be compensated for the economic loss due to these zoning restrictions. Land Use Ordinances are closely tied to County Wide General Plans and governed by a Local Agency Formation Commission, Planning Commission and Board of Supervisors.

An Example of a Land Management Ordinance would be a Town Grading or Erosion Control Ordinance which protects land and nearby water bodies from excessive erosion and siltation resulting from development or agricultural activities. A wide range of local zoning and farmland preservation ordinances may exist. Check with your Local City, town, or county for specific regulations that may apply to your area.

### 4. NRCS RESPONSIBILITY / ASSISTANCE TO CLIENTS

NRCS is primarily responsible for providing technical assistance to landowners and State, Federal and Local units of government in the generation of soils lists, maps, and databases which identify Important Farmland. These lists, maps, and databases are used to support National, State, and Local laws and ordinances, which identify, preserve, and protect these Important Farmlands. NRCS provides technical assistance in the assessing the impacts of federal programs on the preservation of farmland through the Farmland Protection Policy Act (FPPA) using tools such as the Land Evaluation Site Assessment (LESA) process (GM-310, Land Use, Part 402, Agricultural Land Evaluation and Site Assessment). Authorities for technical assistance provided to other agencies with FPPA evaluation is found in General Manual, Title 310, Part 403. NRCS will also assist in developing regulations for land use and for conservation treatment using guidelines found in General Manual, Title 310, Subpart B, Section 401.10.

## 5. PROCEDURES

The Farmland Protection Policy Act (FPPA) requires that federal agencies submit an AD-1006 form (Farmland Conversion Impact Rating form) to the appropriate NRCS Service Center when a federally sponsored program or project contributes either directly or indirectly to the conversion of important farmlands to nonagricultural uses. NRCS is responsible for filling out Parts II, IV, and V of form AD-1006. Conversion of farmland to nonagricultural uses does not include the construction of on-farm structures necessary for farm operations. Acquisition or use of farmland by a Federal agency for national defense purposes is also exempted from the FPPA evaluation process. The agency requesting the FPPA evaluation is responsible for completing Parts I, III, VI, and VII of the form AD-1006. Instructions for completing the form AD-1006 are found on the reverse side of the form. Site Assessment Criteria for Part VI of the form are explained in 7 CFR 658.5b or General Manual Title 31, Issue 4, Part 401. Copies of the form AD-1006 shall be maintained by both the local NRCS Service Center and agency completing the evaluation.

## 6. EXHIBITS

II-I-1. Guide for developing Important Farmland information for FPPA Evaluation.

II-I-2. Form AD-1006. or: <http://www.ca.nrcs.usda.gov/rts/FPPintro.htm> or: [ftp://npssftp.ftw.nrcs.usda.gov/ftp/forms\\_r2/AD/AD1006.pdf](ftp://npssftp.ftw.nrcs.usda.gov/ftp/forms_r2/AD/AD1006.pdf)

II-I-3. Farmland Protection Policy Act - Fact Sheet: PROJECT PROCEDURES FOR AGENCIES

## 7. REFERENCE WEB SITES

NRCS California Farmland Protection Program Web Page

<http://www.ca.nrcs.usda.gov/rts/FPPintro.htm>

NRCS General Manual Title 310-GM 310, Part 401, Land Use Policy

NRCS General Manual Title 310-GM 310, Part 402, Land Evaluation & Site Assessment System (LESA)

NRCS General Manual Title 310-GM 310, Part 403, Implementation of the Farmland Protection Policy Act

NRCS General Manual Title 310-GM 310, Part 404, Procedures for Following DR-9500-3 and the FPPA in NRCS Programs and Projects.

<http://policy.nrcs.usda.gov/scripts/lpsiis.dll/EDSnf/GM.htm> or <http://policy.nrcs.usda.gov/>

Farmland Protection Policy & NRCS Office of Farmland Protection and Community Planning:

[http://www.info.usda.gov/nrcs/fpcp/act\\_summary.htm](http://www.info.usda.gov/nrcs/fpcp/act_summary.htm)

<http://www.info.usda.gov/nrcs/fpcp/fppa.htm>

<http://www.info.usda.gov/nrcs/fpcp/>

U.S. Code of Federal Regulations - 7 CFR Title 7, Volume 6, Part 658:

<http://www.info.usda.gov/nrcs/fpcp/cfr/7cfr658.htm>

### **State of California Web References**

State of California, Farmland and Open Space Resource Protection Program:

<http://www.consrv.ca.gov/dlrp/index.htm>

California Farmland Conservancy Program:

<http://www.consrv.ca.gov/dlrp/CFCP/index.htm>

California Land Conservation Act / Open Space Subvention Program (Williams Act, 1965):

<http://www.consrv.ca.gov/dlrp/LCA/index.htm>



California Farmland Mapping and Monitoring Program:

<http://www.consrv.ca.gov/dlrp/FMMP/index.htm>

California Agricultural Land Evaluation and Site Assessment Model (LESA):

<http://www.consrv.ca.gov/dlrp/LESA/LESA.htm>

California Environmental Quality Act (CEQA):

<http://www.ceres.ca.gov/ceqa/>

California Farmland Security Zones:

[http://www.consrv.ca.gov/dlrp/LCA/farm\\_security\\_zone.htm](http://www.consrv.ca.gov/dlrp/LCA/farm_security_zone.htm)

California Legislative Information:

<http://www.leginfo.ca.gov/>

Resource Conservation District (RCD) Assistance Program

<http://www.consrv.ca.gov/dlrp/RCD/index.htm>

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- | A                       | B                                       | C               | D                            | E  | F               | G                       |
|-------------------------|---|-----------------|------------------------------|--|-----------------|-------------------------|
| Soil Type<br>(Map Unit) | Important<br>Farmland<br>Classification | Area<br>(acres) | Proportion<br>(C/Total Area) | Land Capability<br>Classification<br>(LCC) | LCC<br>Points   | LCC<br>Score<br>(D * F) |
|                         |   |                 |                              |  |                 |                         |
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|                         |   |                 |                              |  |                 |                         |
|                         | Total Area                              |                 | 1.0                          |  | LCC Score Total |                         |

9. Fill in Section II of AD-1006.
10. Using the information from Columns B and C in the chart fill in Section IV of AD-1006.
11. Using the total LCC score from the chart fill in Section V of AD-1006



## U.S. Department of Agriculture

**FARMLAND CONVERSION IMPACT RATING**

<b>PART I</b> (To be completed by Federal Agency)		Date Of Land Evaluation Request			
Name of Project		Federal Agency Involved			
Proposed Land Use		County and State			
<b>PART II</b> (To be completed by NRCS)		Date Request Received By NRCS			
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		YES <input type="checkbox"/>	NO <input type="checkbox"/>	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres:	Amount of Farmland As Defined in FPPA Acres: %			
Name of Land Evaluation System Used	Name of Local Site Assessment System	Date Land Evaluation Returned by NRCS			
<b>PART III</b> (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly					
B. Total Acres To Be Converted Indirectly					
C. Total Acres In Site					
<b>PART IV</b> (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide Important or Local Important Farmland					
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value					
<b>PART V</b> (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)					
<b>PART VI</b> (To be completed by Federal Agency) Site Assessment Criteria (These criteria are explained in 7 CFR 658.5 b)		Maximum Points			
1. Area In Non-urban Use					
2. Perimeter In Non-urban Use					
3. Percent Of Site Being Farmed					
4. Protection Provided By State and Local Government					
5. Distance From Urban Built-up Area					
6. Distance To Urban Support Services					
7. Size Of Present Farm Unit Compared To Average					
8. Creation Of Non-farmable Farmland					
9. Availability Of Farm Support Services					
10. On-Farm Investments					
11. Effects Of Conversion On Farm Support Services					
12. Compatibility With Existing Agricultural Use					
TOTAL SITE ASSESSMENT POINTS		160			
<b>PART VII</b> (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100			
Total Site Assessment (From Part VI above or local site assessment)		160			
TOTAL POINTS (Total of above 2 lines)		260			
Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>			
Reason For Selection:					



## **STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM**

- Step 1 - Federal agencies involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form.
- Step 2 - Originator will send copies of the form together with appropriate scaled maps indicating locations of site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and Retain a copy for their files. (NRCS has a field office in most counties in the U.S. The field offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the State Conservationist and State Office in each State.)
- Step 3 - NRCS will, within 45 calendar days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland.
- Step 4 - In cases where farmland covered by the FPPA will be converted by the proposed project, NRCS field offices will complete Parts II, IV and V of the form.
- Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.
- Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form.
- Step 7 - The Federal agency involved in the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA and the agency's internal policies.

## **INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM**

*(For Federal Agency)*

**Part I:** When completing the "County And State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

**Part III:** When completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities) that will cause a direct conversion.

**Part VI:** Do not complete Part VI if a local site assessment is used.

Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, powerline and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighed a maximum of 25 points and criterion #11 a maximum of 25 points.

Individual Federal agencies at the national level, may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total weight points at 160.

In rating alternative sites, Federal agencies shall consider each of the criteria and assign points within the limits established in the FPPA rule. Sites most suitable for protection under these criteria will receive the highest total scores, and sites least suitable, the lowest scores.

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, adjust the site assessment points to a base of 160.

Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

Total points assigned Site A =  $\frac{180}{200} \times 160 = 144$  points for Site "A".

Maximum points possible      200

For more assistance, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for instructions to complete the AD-1006 form.

April 2001

## I. Farmland Protection Policy Act

### Fact Sheet: PROJECT PROCEDURES FOR AGENCIES

The Farmland Protection Policy Act (FPPA) directs federal agencies to identify and take into account the adverse effects of federal programs on the preservation of farmland, to consider alternative actions that could lessen these adverse impacts and to assure that federal programs are compatible with state government, local government and private programs and policies to protect farmland.

#### FARMLAND PROTECTION POLICY ACT SUMMARY

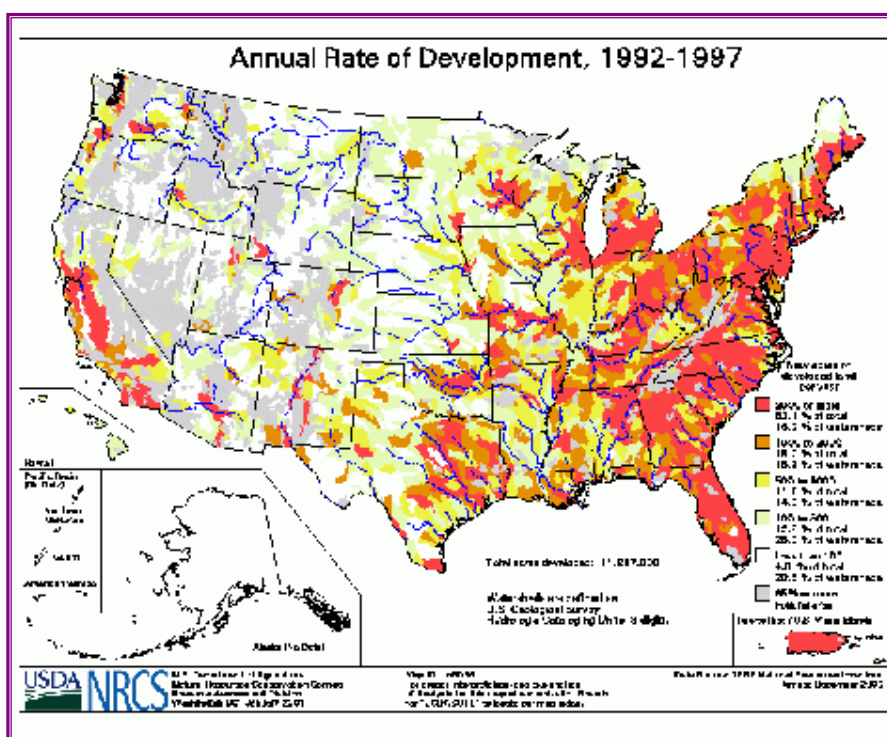
**History of FPPA:** The National Agricultural Land Study (NALS) of 1980-81 found that millions of acres of farmland were being converted in the United States each year. Congress produced the report, *Compact Cities: Energy-Saving Strategies for the Eighties* in 1981. The report identified the need for Congress to implement programs and policies to protect farmland and combat urban sprawl and the needless waste of energy and resources that accompanies sprawling development.

The *Compact Cities* report indicated that much of the sprawl was the result of programs funded by the federal government. With this concern in mind, on December 22, 1981, Congress produced the 1981 Farm Bill, Public Law 97-98, containing the Farmland Protection Policy Act (Subtitle I, Section 1539-1549, of Title XV).

The final rules and regulations were published in the Federal Register on June 17, 1994.

**Intent and Purposes of the Farmland Protection Policy Act:** The FPPA is intended to minimize the extent to which Federal Programs contribute to the unnecessary and irreversible conversion of farmland to non-agricultural uses. It assures that Federal programs are administered in a manner that, to the extent practicable, will be compatible with State, units of government, tribes, and private programs and policies to protect farmland. Federal agencies are required to develop and review their policies and procedures to implement the FPPA.

The FPPA does not authorize the Federal Government in any way to regulate the use of private or nonfederal land, or in any way affect the property rights of owners of such lands.



Farmland, as used in the FPPA, includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forestland, pastureland, cropland, or other land, but not water or urban built-up land.

Projects subject to FPPA requirements include any projects, which may irreversibly convert (directly or indirectly), farmland (as defined above) to nonagricultural use; and are completed by a Federal agency or completed with the assistance of a Federal agency.

Assistance of a Federal agency includes:

- a. Acquiring or disposing of land;
- b. Providing financing or loans;
- c. Managing property;
- d. Providing technical assistance.

Activities subject to the FPPA include:

- a. Most State highway construction projects (through the FHA);
- b. Most airport expansions;
- c. Most electric cooperative construction projects;
- d. Some railroad construction projects;
- e. Most telephone company construction projects;
- f. Most reservoir and hydroelectric projects;
- g. Most Federal agency projects which convert farmland;
- h. Many other projects completed with Federal assistance.

Activities not subject to the FPPA include:

- a. Federal permitting and licensing;
- b. Projects planned and completed without the assistance of a Federal agency;
- c. Projects on land already in urban development or used for water storage;
- d. Construction within an existing right-of-way purchased on or before August 4, 1984;
- e. Construction for national defense purposes;
- f. Construction of on-farm structures needed for farm operations;
- g. Surface mining, where restoration to agricultural use is planned;
- h. Construction of minor new ancillary structures such as garages or storage sheds.

**FARMLAND PROTECTION POLICY ACT IMPACT RATING PROCESS**

1. The sponsoring federal agency determines early in the planning process if the project is subject to FPPA. If the project is subject to FPPA, then the agency obtains a Farmland Conversion Impact Rating Form (AD-1006) from the Natural Resources Conservation Service.
2. If the sponsoring agency is uncertain whether or not the project is subject to FPPA, it should send a project description and detailed maps showing the areas to be converted into the local NRCS Field Office (some states prefer that the NRCS State Office administer the FPPA). If NRCS determines that FPPA applies, then:
  - The sponsoring agency then completes Parts I and III of the AD-1006. Total acres to be converted directly are the actual acres made non-farmable by the action.
  - Total acres to be converted indirectly include those acres made non-farmable because of restricted access to them, and acres planned to receive services from an infrastructure project as indicated in the project justification (e.g., utilities) that would be likely converted because of the presence of the infrastructure project.
3. Part IIIC should equal the sum of Parts IIIA and IIIB - all acres to be converted. If the project plans include more than one design alternative, each alternative should be considered as an alternative site. Multiple AD-1006 forms should be used as needed.



4. Transmit the AD-1006 form together with a project description and detailed maps to the local NRCS field office that services the project area. The sponsoring agency keeps a copy for its file.
5. If the FPPA does not apply, NRCS will return a letter stating that no further action is necessary. If the FPPA does apply, NRCS will complete parts II, IV and V of the AD-1006. Upon receipt of the AD-1006, NRCS enters it into their FPPA Activity Log. NRCS will return a copy of the AD-1006 to the requesting Federal agency within 10 working days of receipt of the request unless a local land evaluation system has not been completed or a site visit is required (30 working days are allowed if a land evaluation system must be completed or a site visit must be made). If more than 10 days are required, NRCS will notify the agency of the need for additional time, up to 30 working days. If NRCS fails to complete land evaluations within the 30 working days, and if further delay would interfere with construction activities, the requesting agency should proceed as though the site were not farmland.
6. The sponsoring agency completes Parts VI and VII of the form. The criteria for completing Part VI for assigning site assessment points is found within 7 CFR, Part 658, FPPA Final Rule.
7. The sponsoring federal agency determines whether the proposed conversion is consistent with the FPPA.
8. The sponsoring agency returns a copy of the completed AD-1006 to NRCS.

The FPPA Farmland Conversion Impact Rating is based on the 260-point LESA (Land Evaluation and Site Assessment) system. The maximum score is 260 points, 100 maximum from the land evaluation and 160 points from the site assessment.

Sites rated at a combined score of 160 points and above are intended to receive more consideration from the sponsoring federal agency for protection, and that alternative site(s) should be considered to reduce the impact on the best important farmland. For NRCS-sponsored projects, the rationale for the selection of an alternative includes: sites rated at 159 or less, no other alternatives need to be considered. When the total points are between 160 and 220, at least two other alternatives are to be evaluated and the one with the lowest number of points is selected unless there are other overriding considerations. When the point total is greater than 220, three other alternatives should be evaluated and the *lowest point total selected* unless there are overriding considerations.

RATIONALE FOR THE SELECTION OF AN ALTERNATIVE SUMMARY		Alternative Site Ratings Required		
Assigned Points (total of section V and VI)	Site A (primary site)	Site B	Site C	Site D
159 points or less				
160 – 220 points				
Greater than 220 points				

When planning a project, agencies should ask NRCS for the following form, or download from the website:

[ftp://npssftp.ftw.nrcs.usda.gov/ftp/forms\\_r2/AD/AD1006.pdf](ftp://npssftp.ftw.nrcs.usda.gov/ftp/forms_r2/AD/AD1006.pdf) OR <http://www.ca.nrcs.usda.gov/rts/FPPintro.htm>

U.S. DEPARTMENT OF AGRICULTURE	Form AD-1006
<b>FARMLAND CONVERSION IMPACT RATING</b>	

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# USDA, NATURAL RESOURCES CONSERVATION SERVICE

## II-J WILD AND SCENIC RIVERS

### 1. INTRODUCTION

A Wild and Scenic River is a free-flowing river or river-segment that has outstanding scenic, recreational, geologic, fish and wildlife, historic, archaeological, or other values. This type of river is designated by act of Congress (P.L. 90-542) or by the Secretary of the Interior as part of the National Wild and Scenic Rivers System. The designation of a river under the Wild and Scenic Rivers Act provides legal protections from adverse development and provides a mechanism for management of the river resources. The principal effect of the Act is to preclude or to severely limit the construction of dams and other water resources projects that might affect the free-flowing character of the river and its associated resources. The designation affects the management of federal lands in the river's corridor. Rights to future development of private lands can be purchased under land acquisition authorities.

Management standards or requirements have been developed for three classes of rivers: 1) Wild Rivers, 2) Scenic Rivers, and 3) Recreational Rivers. These terms refer to the degree of development. The classification is an important distinction. It has a direct effect on how the river is to be administered and whether certain activities on federally owned land within the boundaries are permissible. Regardless of the classification, each designated river is administered with the goal of non-degradation and enhancement of the values, which caused it to be designated. The definitions are:

- a. Wild River area: Those rivers or sections that are free of impoundment's and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.
- b. Scenic River areas: Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.
- c. Recreational River areas: Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

### 2. GOVERNING LAWS & JURISDICTION

Ongoing regular uses of private lands, particularly those existing at the time of the river's designation, are not directly affected. Most private land use, such as homes and farms are compatible with Wild, Scenic and Recreational River management. The river's management plan identifies the types of land uses and developments that are considered compatible or incompatible with the river's wild and scenic values. Designation has no effect on existing water rights or irrigation systems or other existing developed facilities. New projects and alterations to existing systems, which require Federal permits, may be allowed when they will not have an adverse effect on the values of the river corridor. Generally, timber harvests and agricultural operation on privately owned lands are unaffected in Wild, Scenic and Recreational River designations. However, some activities may require permits or may be covered under special provisions of the management plan. The Act requires that the management of Federally owned timber and grazing lands be done in a manner that protects the river's values.

### 3. NRCS RESPONSIBILITY / ASSISTANCE TO CLIENTS

NRCS will aid in protecting, maintaining and managing designated Wild & Scenic Rivers to ensure the continued realization of their beneficial values while protecting the soil, water, air, plant, animal, and human resource base. Early in the planning process, where activities may effect a Wild & Scenic River, NRCS will identify alternatives that will preserve and enhance the natural beneficial values and values identified when the river was designated. These are not limited to, but can include:

- a. Public health, safety and welfare, including water supply, quality, recharge and discharge, pollution, flood and storm hazards, and sedimentation and erosion.
- b. Maintenance of natural systems, including conservation and the long-term productivity of flora and fauna, species and habitat diversity and stability, hydrological utility, fish, wildlife, forests, food and fiber resources.

- c. Other uses in the public interest, including recreation, cultural and scientific uses.

#### 4. PROCEDURES

Attached is a procedure for “Guide for Wild & Scenic Rivers Evaluation” (Exhibit II-J-1).

NRCS staff will determine if any proposed activities will impact waters designated as Wild & Scenic Rivers. First, refer to the attached map (Exhibit II-J-2). Then refer to the web site <http://www.nps.gov/rivers> and do the following steps:

- a. Select Wild and Scenic Rivers List from the menu on the left, then select California.
- b. If the proposed activity is in an identified Wild & Scenic River area go to <http://www.nps.gov/rivers/wildriverstable.html> to identify the administering agency and the miles by classification of either wild, scenic or recreational.
- c. NRCS will then consult with the lead agency to ensure the proposed activities are not in conflict with the resource protection standards established for that particular stretch of river.

**Exceptions:** The State Conservationist may grant written exceptions to the above only:

- a. On a farm by farm basis for installing irrigation water management, water conservation, water quality or erosion control systems.
- b. For flood control measures where the purpose of the action is for the protection of public health and safety.

#### 5. EXHIBITS

II-J-1. Guide for Wild & Scenic Rivers Evaluation

II-J-2. Map of California Wild and Scenic. Additional information about the Wild & Scenic Rivers Act and about the specific designated rivers can be found at the following web site:  
<http://www.nps.gov/rivers/>

II-J-3. River Mileage Classification for Components of the National Wild & Scenic Rivers System - California.



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## GUIDE FOR WILD & SCENIC RIVERS EVALUATION

**STEP 1.** Is there a Wild, Scenic, or Recreational River segment present in or near the planning area that will be affected by the proposed action or activity?

NO ☐      YES ☐      UNKNOWN ☐

- a. If your answer is "No", go to Step 7.
- b. If your answer is "Yes", go to Step 2.
- c. If your answer is "Unknown", because you are not sure if the project area is within a designated area, check with the local agency having jurisdiction over Wild & Scenic Rivers in the area, such as, California Department of Fish and Game, Forest Service, Bureau of Land Management, or Fish and Wildlife Service.

**STEP 2.** What is the effect of the proposed activity on the Wild, Scenic or Recreational River?

NONE ☐      POSITIVE ☐      NEGATIVE ☐

- a. If your answer is "None" (no effects either positive or negative), indicate No Effect on the NRCS Environmental Assessment Worksheet. Proceed with planning.
- b. If there are "Positive" effects, and the effects are consistent with the goals and objectives of maintaining, protecting and preserving Wild, Scenic or Recreational River characteristics, lands and waters, document (describe) the positive effects on the NRCS Environmental Assessment Worksheet and go to Step 3. If there are "Positive" effects for purposes other than environmental and those effects appear to not be consistent with the goals and objectives of maintaining, protecting and preserving Wild, Scenic or Recreational Rivers, consider your answer as "Negative", the same as answer "c" below.
- c. If there are "Negative" effects, document (describe) the effects on the NRCS Environmental Assessment Worksheet. If the land user still desires technical assistance, let them know they will have to proceed with obtaining a Wild & Scenic Rivers Permit or agreement from the appropriate local agency. Assistance can be provided by NRCS to the landowner in obtaining the permit. Go to Step 3.

**STEP 3.** Will the proposed action or activity have an adverse effect on the natural, cultural and recreational values of a Wild, Scenic or Recreational River segment?

YES ☐      NO ☐

- a. If your answer is "No", document on the NRCS Environmental Assessment Worksheet and go to Step 4.
- b. If your answer is "Yes", document on the NRCS Environmental Assessment Worksheet how and why the proposed action or activity would have a negative effect. If the land user still desires technical assistance for the proposed action or activity, consult with the appropriate agency to determine how the action could be made compatible. If there appears to be no alternative that could be implemented to make the action or activity compatible NRCS may need to withdraw assistance. Go to Step 4.

**STEP 4.** Will the proposed action or activity require a special permit as specified in the Wild & Scenic River Management Plan?

NO ☐      YES ☐

- a. If the answer is "No", go to Step 7.
- b. If your answer is "Yes", document on the NRCS Environmental Assessment Worksheet the type of permit required. Go to Step 5.

**STEP 5.** Are any of the planned actions or activities covered by special provisions in the Wild, Scenic, or Recreational Management Plan?

YES ☐      NO ☐

a. If your answer is "No", go to Step 7.

b. If your answer is "Yes", document on the NRCS Environmental Assessment Worksheet the type of permit required. Go to Step 6.

**STEP 6.** Have all permits been acquired and special provisions associated with the Wild, Scenic or Recreational River been met?

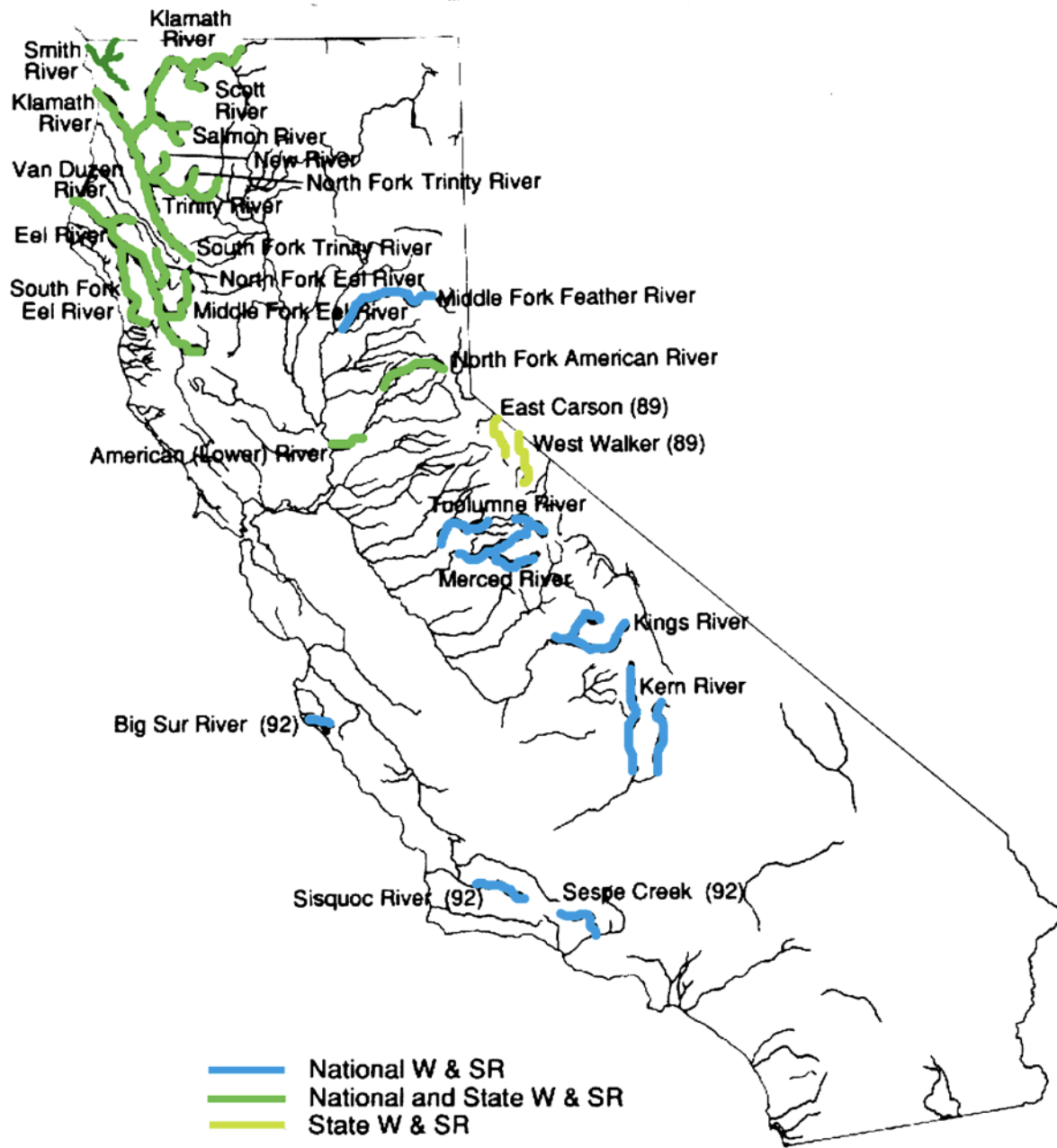
YES ☐      NO ☐

a. If your answer is "Yes", go to Step 7.

b. If your answer is "No", document the permits needed or special provisions not met on the NRCS Environmental Assessment Worksheet. Refer to guidance in this handbook for the Federal or State policy on procuring permits or adhering to special provisions for Wild & Scenic Rivers. If the landowner still desires to continue conservation planning, you may need to consult with the appropriate local agency.

**STEP 7.** No additional documentation is needed concerning Wild & Scenic Rivers. Proceed with planning.

## CALIFORNIA WILD AND SCENIC RIVERS







# National Wild & Scenic Rivers System In California

*January 2000*

River in National System	Administering Agency	Wild Miles	Scenic Miles	Rectn Miles	Total Miles
Feather River (P.L. 90-542 -- October 2, 1968)	Forest Service	32.9	9.7	35.0	77.6
North Fork American River (P.L. 95-625 -- November 10, 1978)	Forest Service	26.3	--	--	26.3
	BLM	12.0	--	--	12.0
American (Lower) River (Secretarial Designation -- January 19, 1981)	St of California	--	--	23.0	23.0
Klamath River (Secretarial Designation -- January 19, 1981)	St of California	--	3.0	41.0	44.0
	Forest Service	12.0	21.0	177.5	210.5
	BLM	--	--	1.5	1.5
	Hoopa Val Res	--	--	29.0	29.0
	National Park Service	--	11	1.0	1.0
Trinity River (Secretarial Designation -- January 19, 1981)	St of California	2.0	11.0	24.0	37.0
	Forest Service	42.0	22.0	71.0	135.0
	BLM	--	--	17.0	17.0
	Hoopa Valley Reservation	--	6.0	8.0	14.0
Eel River (Secretarial Designation -- January 19, 1981)	St of California	36.0	22.5	250.5	309.0
	Forest Service	35.0	--	--	35.0
	BLM	21.0	4.5	6.5	32.0
	Round Valley Reservation	5.0	1.0	16.0	22.0
Smith River (Secretarial Designation -- January 19, 1981) (P.L. 101-612 -- November 16, 1990)	St of California	--	0.5	28.5	29.0
	Forest Service	78.0	30.5	187.9	296.4
Tuolumne River (P.L. 98-425 -- September 28, 1984)	Forest Service	7.0	6.0	13.0	26.0
	Nat Park S	37.0	17.0	--	54.0
	BLM	3.0	--	--	3.0
Merced River (P.L. 100-149 -- November 2, 1987) (P.L. 102-432 -- October 23, 1992)	Forest Service	15.0	2.0	12.5	29.5
	Nat Park S	53.0	14.0	14.0	81.0
	BLM	3.0	--	9.0	12.0
Kings River (P.L. 100-150 -- November 3, 1987)	Forest Service	16.5	--	9.0	25.5
	National Park Service	49.0	--	6.5	55.5
Kern River (P.L. 100-174 -- November 24, 1987)	Forest Service	96.1	20.9	7.0	124.0
	National Park Service	27.0	--	--	27.0
Sespe Creek (P.L. 102-301 -- June 19, 1992)	Forest Service	27.5	4.0	--	31.5
Sisquoc River (P.L. 102-301 -- June 19, 1992)	Forest Service	33.0	--	--	33.0
Big Sur River (P.L. 102-301 -- June 19, 1992)	Forest Service	19.5	--	--	19.5
<b>TOTALS</b>		688.8	206.6	988.4	1,883.8





## II-K SPECIAL AQUATIC SITES

### 1. INTRODUCTION

Special Aquatic Sites are those sites that are associated with the water environment; the otherwise called "Waters of the U.S.". They warrant special attention as specific sites listed under the Clean Water Act, Section 404 (b) (1) dredge and fill guidelines.

Special Aquatic Sites are large or small areas possessing special ecological characteristics of productivity, habitat, wildlife protection or other important and easily disrupted ecological values. These sites are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region.

Special Aquatic Sites include fish and wildlife sanctuaries and refuges, wetlands, mud flats, vegetated shallows, coral reefs, and riffle and pool complexes. Except for wetlands, which are described in Section II-E Wetlands, each item is described in the following paragraphs in accordance with guidance for Federal agencies published in the Federal Register (Dec. 24, 1980, Vol. 45, No. 249, p. 85346, -48, -52, -53).

Fish and Wildlife Sanctuaries and Refuges are areas that are designated under State and Federal laws or local ordinances to be principally managed for the preservation and use of fish and wildlife species. Sanctuary and refuge area functions that warrant protection include breeding, spawning, migratory movements or other critical life requirements of the resident or transient fish and wildlife resources.

Mud Flats are broad flat areas along the coasts, rivers or lakes, containing organic matter and particles smaller in size than sand. Flats are unvegetated or vegetated only by algal mats. Mud-flat functions and values that warrant protection include water circulation patterns, periodic inundation patterns, considerations relating to optimal growth of aquatic species or chemical/biological processes concerning exchange rates, photosynthesis, respiration, decomposition, etc.

Vegetated Shallows are permanently inundated areas that under normal conditions support communities of rooted aquatic vegetation. Vegetated shallow functions and values that warrant protection include nesting, spawning, nursery cover and forage areas for fish and wildlife.

Coral Reefs consist of the skeletal remains of invertebrate organisms that lived along marine shorelines. As the organisms grew, lived and died, their calcium or silica structures allowed other coral organisms to grow on top of the old skeletons. In this way coral reefs expanded within very restricted limits of light, salinity, aeration, nutrients, etc. Functions and values that warrant protection are all the above aspects, since very slight changes in any of these conditions can cause drastic changes, if not the demise of the coral reef.

Riffle and Pool Complexes exist in steep gradient streams. Riffles are places where water flows rapidly over the shallow, rocky streambed. This creates a rough and turbulent flow that oxygenates the water and quickly distributes nutrients through the system. Pools are defined by a deep hole in the streambed, slow stream velocity, and a smooth water surface. Riffles and pools are significantly important habitat for fish and wildlife species along the stream. Functions and values that warrant protection include maintaining the hydrologic regime and the riffle-to-pool ratio that is characteristic of that stream, minimizing sediment deposits, maintaining in-stream aeration, and stream characteristics that allow the stream to "treat" organic matter that enters the stream.

## **2. GOVERNING LAWS & JURISDICTION**

### **Federal:**

These areas typically fall under jurisdiction of the Clean Water Act, Sections 404 administered by the U.S. Army Corps of Engineers and Section 401 administered by Regional Water Quality Control Boards.

### **California:**

These areas typically fall under jurisdiction of the Fish and Game Code, Section 1600 - Stream Alteration Agreements administered by the California Department of Fish and Game.

## **3. NRCS RESPONSIBILITY / ASSISTANCE TO CLIENTS**

NRCS staff will primarily assist landowners by identifying if an area, or water body, fits into the category of Special Aquatic Site. They can further advise landowners or managers, if necessary, to contact the appropriate regulatory agency having jurisdiction over the resource.

## **4. PROCEDURES**

NRCS staff can use the "Status Determination - Special Aquatic Sites (Exhibit I)" to determine if the site fits this category.

## **5. EXHIBITS**

II-K-1. Guide for Special Aquatic Sites Evaluation



Fishing in Snodgrass Slough

## GUIDE FOR SPECIAL AQUATIC SITES EVALUATION

**STEP 1.** Is the proposed action or activity scheduled to occur in an area where a Special Aquatic Site is known or thought to exist?

NO ☐ YES ☐

- a. If your answer is "No", no additional documentation is needed concerning Special Aquatic Sites. Proceed with planning.
- b. If your answer is "Yes", go to step 2.

**Step 2.** Irrespective of whether or not a Section 404 dredged or fill permit may be needed, does the proposed action or activity involve "dredged" or "fill" material in or near a Special Aquatic Site? "Dredged material" is any material, which is excavated or removed from a watercourse or water body (waters of the US). "Fill material" is any material that is placed into a watercourse or water body (waters of the US).

YES ☐ NO ☐

- a. If your answer is "Yes", go to step 3.
- b. If your answer is "No", proceed with planning.

**STEP 3.** Does the proposed action or activity require access or proximity within the Special Aquatic Site to fulfill the activity's basic purpose or function, that is, is the activity "water dependent"?

YES ☐ NO ☐

- a. If your answer is "Yes", go to step 4.
- b. If your answer is "No", go to step 6.

**STEP 4.** Even though the proposed action or activity is "water dependent", is there an alternative site where the proposed activity could be conducted without endangering the Special Aquatic Site?

YES ☐ NO ☐

- a. If your answer is "Yes", go to step 6.
- b. If your answer is "No" that there is no available alternative site, the sponsor must justify to the US Army Corps of Engineers that no site is available on which to accommodate the activity and that a discharge at an alternate site involves greater environmental harm than a discharge at the Special Aquatic Site.

**STEP 5.** Does the sponsor agree to use the alternative site for the proposed activity?

YES ☐ NO ☐

- a. If your answer is "Yes", proceed with planning at the alternative site.
- b. If your answer is "No", the sponsor must justify to the US Army Corps of Engineers why the proposed activity can only be performed at or near the Special Aquatic Site. If the sponsor insists on proceeding with the activity at or near the Special Aquatic Site, NRCS personnel must inform the sponsor of a potential violation of Section 404 of the Clean Water Act concerning the discharge of dredged or fill materials into waters of the US and the need for the sponsor to consult with the US Army Corps of Engineers. NRCS personnel must withdraw from providing technical assistance at or near the Special Aquatic Site.

**STEP 6.** If the proposed action or activity is not water dependent, does the sponsor agree to perform the activity at an alternative site?

YES ☐ NO ☐

a. If your answer is "Yes", proceed with planning at the alternative site.

b. If your answer is "No" that the sponsor is not willing or able to perform the activity at an alternative location, the sponsor must justify to the US Army Corps of Engineers why there is no acceptable alternative site that will accommodate the activity. Until there is a resolution of the situation NRCS personnel must withdraw from providing technical assistance at or near the Special Aquatic Site.

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## II-L. ESSENTIAL FISH HABITAT

### 1. INTRODUCTION

One of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. Habitat considerations should receive increased attention for the conservation and management of fishery resources of the United States". – Magnuson-Stevens Act, 1996

Essential Fish Habitat is broadly defined by the Fishery Conservation and Management Act of 1976 (now called the Magnuson-Stevens Act or the Sustainable Fisheries Act) to include "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." This language is interpreted or described in the 1997 Interim Final Rule [62 Fed. Reg. 66551, Section 600.10 Definitions] -- Waters include aquatic areas and their associated physical, chemical, and biological properties that are used by fish and may include historic areas if appropriate; substrate includes sediment, hard bottom, structures underlying the waters, and associated biological communities; necessary means the habitat required to support a sustainable fishery and the managed species' contribution to a healthy ecosystem; and "spawning, breeding, feeding, or growth to maturity" covers a species' full life cycle.

### 2. GOVERNING LAWS AND JURISDICTION

Ocean fisheries are managed under the Fishery Conservation and Management Act of 1976 (also called the Magnuson Act after its prime sponsor, the late Senator Warren Magnuson, D-WA). The Act provided the National Marine Fisheries Service (NMFS) legislative authority for fisheries regulation in the United States, in the area between three miles to 200 miles offshore and established eight "Regional Fishery Management Councils (Councils) that manage the harvest of the fish and shell fish resources in these waters. These Councils are a cross section of stakeholders and experts nominated by governors of the coastal states in each region and appointed by the Secretary of Commerce. Councils prepare Fishery Management Plans (FMPs) to govern their management activities that are submitted to NMFS for approval.

In 1996, the Magnuson-Stevens Act was re-authorized and changed by amendments to emphasize the sustainability of the nation's fisheries and establish a new standard by requiring that fisheries be managed at maximum sustainable levels and that new approaches be taken in habitat conservation. This habitat is called "Essential Fish Habitat" (EFH). EFH is added to FMPs via the Council's amendment process. To date, two FMPs amended to include EFH provisions have been approved by the Secretary of Commerce (Secretary) – groundfish (3/3/99) and coastal pelagics (6/10/99). Amendment 14 to the Pacific Coast Salmon Plan was anticipated to be approved by the Secretary in June 2000.

### 3. NRCS RESPONSIBILITY/ASSISTANCE TO CLIENTS

#### **Each Federal Agency shall:**

- Consult with the Secretary with respect to any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by such agency that may adversely affect any essential fish habitat identified under this Act.
- Within 30 days after receiving a recommendation provide a detailed response in writing to any Council commenting under paragraph, and the Secretary regarding this matter. The response shall include a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on such habitat. In case of a response that is inconsistent with the recommendations of the Secretary, the Federal agency shall explain its reasons for not following the recommendations.

## 4. PROCEDURES

### **The Consultation Process:**

Established habitat conservation policies and approaches of the Council and NMFS provide the framework for implementing the EFH consultation provisions of the Magnuson-Stevens Act. EFH consultations will be combined with existing interagency consultations and environmental review procedures that may be required under other statutes such as the ESA, Clean Water Act, the National Environmental Policy Act, the Fish and Wildlife Coordination Act, the Federal Power Act, or the Rivers and Harbors Act. Consequently, to the extent that EFH and ESA consultations are integrated, NMFS will apply the provisions of the 1997 Secretarial Order 3206. Where EFH consultations are combined with mandates other than ESA, NMFS intends to notify the affected Tribe(s) and BIA, and encourage the Federal action agency to invite the affected Tribe(s) and the BIA to participate in the consultation process. NMFS also intends to identify the affected Tribe(s) to the Federal action agency and involve the affected Tribe(s) and the BIA in development of recommendations for the conservation of EFH.

Under the mandate promulgated by the 1996 amendment to the Magnuson-Stevens Act, only Federal agencies undertaking, permitting or funding activities that may adversely affect EFH are required to consult with NMFS. Under Section 305(b)(4) of the Magnuson-Stevens Act, NMFS is required to provide advisory EFH conservation and enhancement recommendations to Federal and state agencies for actions that adversely affect EFH. However, state agencies, Tribes, and private parties are not required to consult with NMFS unless state, Tribal or private actions require a Federal permit or receive Federal funding -- unless there is a Federal nexus. For example, under the Clean Water Act, states, territories and Tribes must obtain approval of water quality standards from the EPA. Under EFH, EPA will have the opportunity to consult with NMFS prior to standards approval.

The Magnuson-Stevens Act requires consultation for all Federal agency actions that may adversely affect EFH, and it does not distinguish between actions in EFH and actions outside EFH. Any reasonable attempt to encourage the conservation of EFH must take into account actions that occur outside of EFH, such as upstream and upslope activities that may have an adverse effect on EFH. Therefore, EFH consultation with NMFS is required by Federal agencies undertaking, permitting or funding activities that may adversely affect EFH, regardless of its location.

Under Amendment 14 to the Pacific Coast Salmon Plan, for example, the geographic extent of freshwater EFH is specifically defined as all waters currently viable, and most of the waters historically accessible to salmon. Salmon EFH excludes areas upstream of longstanding naturally impassable barriers (i.e., natural waterfalls in existence for several hundred years). Salmon EFH includes aquatic areas above all artificial barriers except the impassable barriers (dams) listed in Appendix A of the 2000 Final Amendment 14 to the Pacific Coast Salmon Plan. However, activities occurring above impassable barriers that are likely to adversely affect EFH below impassable barriers are subject to the consultation provisions of the Magnuson-Stevens Act. In the future, should subsequent analyses determine that the habitat above any of the dams listed in Appendix A of the 2000 Final Amendment 14 to the Pacific Coast Salmon Plan is necessary for salmon conservation, the Pacific Fishery Management Council will modify the identification of EFH.

### **A Programmatic Approach to the Consultation Process:**

EFH consultations may be at either a broad programmatic level or project-specific level. Use of programmatic consultations is a mechanism for implementing the EFH consultation requirements efficiently and effectively by including many individual actions that may adversely affect EFH in one consultation. Programmatic consultations allow NMFS and other Federal agencies to take a broad, comprehensive look at Federal programs, their potential or actual adverse effects on EFH, and appropriate conservation recommendations. Some examples of programs that would likely be appropriate for a programmatic EFH consultation are: funding programs, such as grants by Federal agencies to states and Tribes to carry out activities that may adversely affect EFH; U.S. Forest Service forest plans; and Minerals Management Service regional 5-year plans.

The goal of a programmatic consultation is to address as many adverse effects as possible through programmatic EFH conservation recommendations. Thus, a programmatic consultation results in a letter from NMFS to the Federal agency containing advisory programmatic EFH conservation recommendations, as well as identification of any adverse impacts that could not be addressed by the programmatic EFH conservation recommendations. Where appropriate, NMFS will use a programmatic approach designed to reduce redundant paperwork and to focus on the appropriate level of analysis whenever possible. The approach would permit project activities to proceed at broad levels of resolution so long as they conform to the programmatic consultation process.



## Consultation Scenarios:

In keeping with the programmatic approach, NMFS intends to use the four broad scenarios summarized below for EFH consultations. The specifics of each consultation, including suggested EFH conservation and enhancement recommendations, will be tailored to meet the proposed program or project activity.

a. Federal actions involving ESA-listed species: In the situation where Federal agency actions are subject to Section 7 consultations under the ESA, such consultations will be combined with EFH consultations to accommodate the substantive requirements of both ESA and the Magnuson-Stevens Act as appropriate.

b. Federal actions that do not involve ESA-listed species: Under this scenario, Federal agency actions are not subject to the ESA Section 7 consultation requirements, but are subject to the EFH consultation requirements of the Magnuson-Stevens Act. In this circumstance, a programmatic approach to consultation, tiering from the general program to specific actions, will be most appropriate. When programmatic consultations are completed, project-specific consultations should only be necessary on those actions not contemplated by the programmatic consultation, or those actions identified as needing individual consultation in the programmatic consultation.

Included in this scenario are Federal agency actions subject to the National Environmental Policy Act, Federal Power Act, and/or Section 404 of the Clean Water Act. The Federal agency would request that NMFS make a finding that an existing process can be used to meet EFH consultation requirements. NMFS would respond with a letter detailing how the existing process would be used for the EFH consultation and would work with the action agency to ensure that the EFH consultation process is folded into the agency's environmental review process under one of these statutes. EFH information would be submitted through the existing practice, and NMFS would provide advisory conservation recommendations as part of its existing role in the process.

c. Non-Federal actions involving ESA-listed species: For non-Federal actors, EFH consultation is voluntary. In situations where non-Federal actions occur in areas under a NMFS-approved Conservation Plan, NMFS participation in, and approval of the Plan would be combined with the EFH consultation and would constitute the NMFS requirements of the Magnuson-Stevens Act for providing advisory conservation recommendations to state agencies. Included in this scenario would be coordination with Section 4(d) rulemaking, Section 4(f) recovery planning, and Section 10 permitting under the ESA.

d. Non-Federal actions that do not involve ESA-listed species: States and Tribes are not required to consult with NMFS under the Magnuson-Stevens Act provisions for EFH, unless there is a Federal nexus. However, NMFS will provide advisory conservation recommendations to state agencies on actions identified by the Council as having a substantial adverse effect on salmon habitat, or upon state agency request.

## 5. EXHIBITS

### II-L-1 Guide for Essential Fish Habitat Evaluation



Sacramento River



Trout in pool of Taylor Creek, Lake Tahoe

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## GUIDE FOR ESSENTIAL FISH HABITAT EVALUATION

**STEP 1.** Is the proposed action or activity scheduled to occur in an area where a Essential Fish Habitat is known or thought to exist?

NO ☐ YES ☐

- a. If your answer is "No", no additional documentation is needed concerning Essential Fish Habitat. Proceed with planning.
- b. If your answer is "Yes", go to step 2.

**Step 2.** Irrespective of whether or not a Section 404 dredged or fill permit may be needed, does the proposed action or activity involve "dredged" or "fill" material in or near an Essential Fish Habitat? "Dredged material" is any material, which is excavated or removed from a watercourse or water body (waters of the US). "Fill material" is any material that is placed into a watercourse or water body (waters of the US).

YES ☐ NO ☐

- a. If your answer is "Yes", go to step 3.
- b. If your answer is "No", proceed with planning.

**STEP 3.** Does the proposed action or activity require access or proximity within the Essential Fish Habitat to fulfill the activity's basic purpose or function, that is, is the activity "water dependent"?

YES ☐ NO ☐

- a. If your answer is "Yes", go to step 4.
- b. If your answer is "No", go to step 6.

**STEP 4.** Even though the proposed action or activity is "water dependent", is there an alternative site where the proposed activity could be conducted without endangering the Essential Fish Habitat?

YES ☐ NO ☐

- a. If your answer is "Yes", go to step 6.
- b. If your answer is "No" that there is no available alternative site, the sponsor must justify to the US Army Corps of Engineers that no site is available on which to accommodate the activity and that a discharge at an alternate site involves greater environmental harm than a discharge at the Essential Fish Habitat. NRCS may need to consult with the National Marine Fisheries Service (NMFS).

**STEP 5.** Does the sponsor agree to use the alternative site for the proposed activity?

YES ☐ NO ☐

- a. If your answer is "Yes", proceed with planning at the alternative site.
- b. If your answer is "No", the sponsor must justify to the US Army Corps of Engineers why the proposed activity can only be performed at or near the Essential Fish Habitat. If the sponsor insists on proceeding with the activity at or near the Essential Fish Habitat, NRCS personnel must inform the sponsor of a potential violation of Section 404 of the Clean Water Act concerning the discharge of dredged or fill materials into waters of the US and the need for the sponsor to consult with the US Army Corps of Engineers. NRCS may need to consult with NMFS.

**STEP 6.** If the proposed action or activity is not water dependent, does the sponsor agree to perform the activity at an alternative site?

YES ☐ NO ☐

a. If your answer is "Yes", proceed with planning at the alternative site.

b. If your answer is "No" that the sponsor is not willing or able to perform the activity at an alternative location, the sponsor must justify to the US Army Corps of Engineers why there is no acceptable alternative site that will accommodate the activity. Until there is a resolution of the situation NRCS personnel must withdraw from providing technical assistance at or near the Essential Fish Habitat. NRCS may also need to consult with NMFS.



# USDA, NATURAL RESOURCES CONSERVATION SERVICE

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## II-M. AIR QUALITY

### 1. INTRODUCTION

#### a. Federal Policy

In 1990, Congress significantly amended the Clean Air Act (42 U.S.C.). These amendments provide for nationwide attainment and the maintenance of ambient air quality standards. These Clean Air Act Amendments of 1990 include provisions for:

- 1) national air quality standards
- 2) mobile sources
- 3) hazardous air pollutants
- 4) acid deposition control
- 5) permits
- 6) stratospheric ozone protection
- 7) enforcement
- 8) clean air research

Under this law, EPA sets limits on how much of a pollutant can be in the air anywhere in the United States. This ensures that all Americans have the same basic health and environmental protections. The law allows individual states to have stronger pollution controls, but states are not allowed to have weaker pollution controls than those set for the whole country.

Although the 1990 Clean Air Act is a federal law covering the entire country, states do much of the work to carry out the Act. The law recognizes that it makes sense for states to take the lead in carrying out the Clean Air Act, because pollution control problems often require special understanding of local industries, geography, housing patterns, etc.

The 1990 Clean Air Act includes a permit program for sources that release pollutants into the air. Air pollution is now managed by a national permit system. Permits are issued by states or, when a state fails to carry out the Clean Air Act satisfactorily, by EPA. The permit includes information on which pollutants are being released, how much may be released, and what kinds of steps the source's owner or operator is taking to reduce pollution, including plans to monitor (measure) the pollution. The permit system is considered to be useful for businesses covered by more than one part of the law, as information about all of a source's air pollution will now be in one place. The permit system was designed to simplify and clarify business's obligations for cleaning up air pollution and, reducing paperwork. Businesses seeking permits have to pay permit fees which helps pay for state air pollution control activities.

The 1990 Clean Air Act gave new enforcement powers to EPA. The 1990 law enables EPA to fine violators. Other parts of the 1990 law increase penalties for violating the Act and bring the Clean Air Act's enforcement powers in line with other environmental laws.

States have to develop state implementation plans (SIPs) that explain how each state will do its job under the Clean Air Act. A state implementation plan is a collection of the regulations a state will use to clean up polluted areas. The states must involve the public, through hearings and opportunities to comment, in the development of each state implementation plan.

EPA must approve each SIP, and if a SIP isn't acceptable, EPA can take over enforcing the Clean Air Act in that state. EPA assists the states by providing scientific research, expert studies, engineering designs and money to support clean air programs.

Other criteria pollutants include carbon monoxide and particulates. The carbon monoxide (CO) and particulate matter (PM-10) clean-up plans are set up like the plan for smog, but only two pollution classes are identified for each (instead of the five for ozone). Getting rid of particulates (soots, dust, smoke) will require pollution controls on power plants and restrictions on smaller sources such as wood stoves, fireplaces, agricultural burning, and dust from fields and roads.

## **b. The Common Air Pollutants (Criteria Air Pollutants):**

### Ozone:

- Source - chemical reaction of pollutants; VOCs and NO<sub>x</sub>
- Health Effects - breathing problems, reduced lung function, asthma, irritates eyes, stuffy nose, reduced resistance to colds and other infections, may speed up aging of lung tissue.
- Environmental Effects - ozone can damage plants and trees; smog can cause reduced visibility.

### VOCs\*:

- Source - VOCs are released from burning fuel (gasoline, oil, wood coal, natural gas, etc.), solvents, paints glues and other products used at work or at home. Cars are an important source of VOCs. VOCs include chemicals such as benzene, toluene, methylene chloride and methyl chloroform.
- Health Effects - In addition to ozone (smog) effects, many VOCs can cause serious health problems such as cancer and other effects.
- Environmental Effects - In addition to ozone (smog) effects, some VOCs such as formaldehyde and ethylene may harm plants.

\* All VOCs - Volatile chemicals escape into the air easily. Many VOCs are also hazardous air pollutants, which can cause very serious illnesses. EPA does not list VOCs as criteria air pollutants, but they are included in lists of pollutants because efforts to control smog target VOCs for reduction.

### Nitrogen Dioxide:

- Source - burning of gasoline, natural gas, coal, oil etc.
- Health Effects - lung damage, illnesses of breathing passages and lungs (respiratory system).
- Environmental Effects - nitrogen dioxide is an ingredient of acid rain (acid aerosols), which can damage trees and lakes. Acid aerosols can reduce visibility.

### Carbon Monoxide (CO):

- Source - burning of gasoline, natural gas, coal, oil etc.
- Health Effects - reduces ability of blood to bring oxygen to body cells and tissues; cells and tissues need oxygen to work.
- Environmental Effects - similar health effects on some wildlife.

### Particulate Matter (PM-10); (dust, smoke, soot):

- Source - burning of wood, diesel and other fuels; industrial plants; agriculture (plowing, burning off fields); unpaved roads.
- Health Effects - nose and throat irritation, lung damage, bronchitis, and early death.
- Environmental Effects - particulates are the main source of haze that reduces visibility.

### Sulfur Dioxide:

- Source - burning of coal and oil, especially high-sulfur coal from the Eastern United States; industrial processes (paper, metals).
- Health Effects - breathing problems, may cause permanent damage to lungs.
- Environmental Effects - SO<sub>2</sub> is an ingredient in acid rain (acid aerosols), which can damage trees and lakes. Acid aerosols can also reduce visibility.

### Lead:

- Source - leaded gasoline, paint, smelters, manufacture of lead storage batteries.
- Health Effects - brain and other nervous system damage; children are at special risk. Lead causes digestive and other health problems.
- Environmental Effects - Some lead-containing chemicals cause cancer in animals. Also causes other animal health problems similar to humans.

Additionally, President Clinton, in accordance with his Administration's "Climate Change Control Plan" committed the nation to reducing the emissions of greenhouse gases to their 1990 levels with cost-effective domestic actions.

It is assumed that agriculture will reduce the amount of PM-10 and ozone precursors that it is generating. For the benefit of agriculture, these reductions must be accomplished in an economical manner and achieved with the least costs.

EPA published final revisions to the particulate matter standards in July, 1997. The current standards apply to particles up to 10 microns in diameter. A review of scientific data indicated that it is the smaller (or fine) particles, less than 2.5 microns in diameter, that are largely responsible for the health effects of greatest concern and for visibility impairment. Based on this information, EPA has issued final revisions to strengthen the particulate matter standards by keeping the current 10-micron standards and adding new standards that provide more stringent goals for fine particles in air.

To date, the Department of Agriculture and therefore, NRCS, does not have an official policy. Former Secretary of Agriculture, Dan Glickman, set up the Agricultural Air Quality Task Force (AAQTF). This Task Force made recommendations to the Secretary in November, 1999. These recommendations by the AAQTF include recommendations on improving air quality. It includes a draft Agricultural Burning Policy that recommends that States and Tribes adopt a Smoke Management Plan (SMP) to reduce the public health and welfare impacts of using burning in support of agricultural production. The draft policy was formulated on two basic principles:

- 1- Allowing the use of fire as an accepted management practice, consistent with good science, to maintain agricultural production, and,
- 2- Protect the public health and welfare by mitigating the impacts of air pollution emissions on air quality and visibility.

The recommended SMP is two-tiered:

- 1- Tier 1 is a voluntary program. It is for areas where agricultural burning rarely causes or contributes to air quality problems. The SMP sets the conditions when agricultural burning can occur.
- 2- Tier 2 is a more structured program for areas where agricultural burning contributes to air quality standards violation or visibility impairment in Class I Federal areas. Detailed permitting requirements, air quality monitoring, public notification and enforcement requirements are part of Tier 2 SMP.

The policy also recommended additional research in a number of areas including prediction and modeling improvement, improving emission factors, evaluation of techniques to reduce emissions of material determined detrimental to human health and visibility, and the development of alternatives to agricultural burning.

### **c. State Policy**

Air issues are the responsibility of the Air Resources Board, a Department of the California Environmental Protection Agency. Their mission is to promote and protect public health, welfare, and ecological resources through the effective and efficient reduction of air pollutants while recognizing and considering the effects on the economy of the state. They gather air data, process and provide it to stakeholders, set air quality standards, and are involved in identifying and promoting alternative uses for rice straw and the burn decision process for the Sacramento Valley.

ARB is currently holding public workshops to aid in the development of ARB's Clean Air Plan: *Strategies for a Healthy Future*. This plan will present the ARB's long-range vision to ensure that all individuals in California. ARB works with State and federal partners to conduct a comprehensive assessment of emission reduction opportunities for all sources under State and federal jurisdiction -- such as motor vehicles, off-road vehicles and equipment, fuels, the refueling process, consumer products, etc. The result will be potential State and national control measures and emission reduction goals for categories of sources.

Selected measures and goals in the approved Plan will then form the basis for new State commitments and federal measures in upcoming revisions to the State Implementation Plan (SIP) for the South Coast (2001) and San Joaquin Valley (2002). In addition, the Plan is the starting point for future plans to meet the more health-protective State ozone standard, and federal eight-hour ozone and fine particulate matter standards.

The California Air Resources Board and the state's air districts are responsible for administration of the SIP to achieve and maintain healthful air quality for its residents. This is accomplished by establishing and enforcing air pollution control rules and regulations in order to attain all state and federal ambient air quality standards and minimize public exposure to airborne toxins and nuisance odors. Districts also regulate, permit and inspect stationary sources of air pollution such as factories, power plants, gasoline stations, auto body shops and dry cleaners. The ARB is responsible for controlling tailpipe emissions from vehicular sources while the Districts are required to implement transportation control measures to reduce the number of cars on the road and promote the use of cleaner fuels and vehicles. Districts also fund a number of important public and private agency projects that provide innovative approaches to reducing pollution. Activities include the following:

- Monitor the District's air quality through a network of monitoring stations that record pollutant levels 24 hours a day;
- Prepare plans to identify how much pollution is in our air, where it comes from and ways to control it effectively;
- Adopt rules to reduce emissions from specific types of equipment, industrial processes, paints and solvents;
- Evaluate plans for any new project that involves installing, altering or operating equipment that either causes air pollution or is used to control it;
- Issue permits and inspect businesses to ensure compliance once evaluations are complete;
- Review and implement new technologies to help clean the air;
- Respond to public complaints and inquiries;
- Provide information to the public regarding current air quality conditions and health implications;
- Help individuals and businesses understand and comply with federal, state, and local air pollution laws; and
- Educate the public on their role in cleaning up the air.

## **2. GOVERNING LAWS AND JURISDICTION**

**Federal:** Clean Air Act of 1970, last amended in 1990 (42 U.S.C.).

**State:** California Code of Regulations, Title 13, Motor Vehicles  
California Code of Regulations, Title 17, Public Health  
Health and Safety Code, Division 26, Air Resources

**Local:** Air Pollution Control Districts (APCD) and Air Quality Management Districts (AQMD)

## **3. NRCS RESPONSIBILITIES/ ASSISTANCE TO CLIENTS**

At present NRCS does not have a written policy. However, the agency does have an *Air Resource Action Plan*, dated December 1993. The goal of the action plan is to fully integrate air resource considerations into NRCS management assistance of natural resources. This is accomplished by sound planning and utilizing the FOTG (Air Management Standard, CAFO, quality criteria, etc.)

## **4. PROCEDURES**

At this time nrcs does not have a written policy or procedures. Therefore, follow state guidelines. These can be accessed through the Air Pollution Control Districts (APCD) and Air Quality Management Districts (AQMD) at <http://www.arb.ca.gov> and then enter “/drdb/drdbtxt.htm.” This will take you to “List of the Current Rules in Each of the 35 Air Districts”. Selecting the appropriate district and “clicking” on it will take you to the District Rules and provide a local contact.

## **5. EXHIBITS - None**

## **6. REFERENCE WEB SITES**

Air Resources Board  
<http://www.arb.ca.gov>

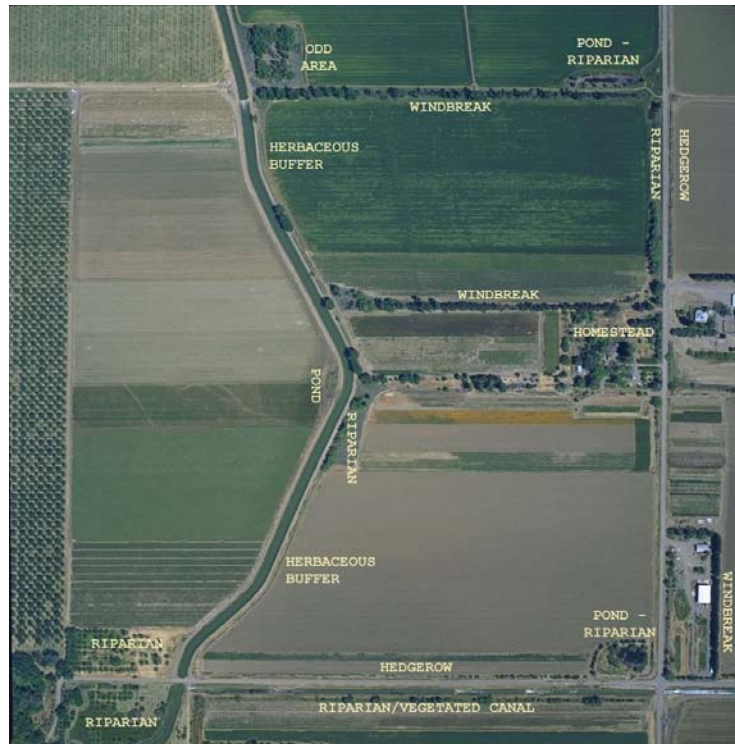
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## SECTION III

### PERMITS





## SECTION III

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# USDA, NATURAL RESOURCES CONSERVATION SERVICE

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## SECTION III - PERMITS

### 1. INTRODUCTION

Section III of the California Environmental Handbook provides guidance and information on permits typically required for various practices NRCS provides technical assistance on or USDA provides cost-sharing on. Some of these are required for addressing special environmental concerns found on the 3<sup>rd</sup> page of the Environmental Assessment Worksheet.

The California Technology, Trade and Commerce Agency, Office of Permit Assistance has prepared the "California Permit Handbook" which can be found on their web site shown below.

### 2. EXHIBITS

III-1 Environmental Regulation Overview

III-2 Environmental Compliance Needs for Practices or Actions

### 3. REFERENCE WEB SITES

Office of Permit Assistance for information on permits in California and the California Permit Handbook:

<http://www.commerce.ca.gov/permitassistance/>



NRCS Reg IV Wetlands Delineation Class

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## ENVIRONMENTAL REGULATION OVERVIEW

REGULATED ACTIVITY AND RESOURCE	REGULATORY AGENCY	REGULATORY AUTHORITY
Activities affecting Threatened or Endangered Species	Fish and Wildlife Service National Marine Fisheries Service  California Department of Fish and Game	Endangered Species Act (16 USC 1536) Sections 7 and 9  California Endangered Species Act California Fish and Game Code Sections 2081 and 2090
Discharge of dredge or fill material into Waters of the United States, including Wetlands, or construction in Navigable Waters or activities within a Floodplain	Army Corps of Engineers  Natural Resources Conservation Service  California Department of Fish and Game	Clean Water Act (33 USC 1344) Section 404  Rivers and Harbors Act of 1899 (33 USC 403) Section 10  Executive Order 11990, Protection of Wetlands Executive Order 11988, Floodplain Management  Food Security Act (16 USC 3811)  Lake and Streambed Alteration Agreement California Fish and Game Code Sections 1600-1608
Activities involving Water Quality	California State Water Resources Control Board, Regional Water Quality Control Board	Clean Water Act (33 USC 1341) Section 401 & 402  Porter-Cologne Water Quality Control Act California Water Code, Section 7
Activities affecting Water Rights	California State Water Resources Control Board	State Water Rights Law California Water Code, Section 1000 et seq.
Activities affecting Fish and Wildlife	Fish and Wildlife Service National Marine Fisheries Service California Department of Fish and Game	Fish and Wildlife Coordination Act (16 USC 661-666)
Activities affecting submerged lands and tidelands	California State Lands Commission	California Public Resources Code Section 6001 et seq.
Activities involving dams or reservoirs	California Department of Water Resources Division of Safety of Dams	California Water Code Section 6000 et seq.
Activities affecting State Water Project Levees or Designated Floodways	California State Reclamation Board	California Water Code Sections 9534, 8571, 8608, 8611, 8710, and 8730.3
Activities within the Coastal Zone	National Oceanic and Atmospheric Administration  California Coastal Commission  Local Coastal Commissions	Coastal Zone Management Act (16 USC 1451)  California Coastal Act California Public Resources Code Section 30000 et seq.  Local coastal programs
Activities affecting Clean Air Standards	California Air Quality Management Districts	Clean Air Act (42 USC 7506)



## ENVIRONMENTAL REGULATION OVERVIEW Continued

REGULATED ACTIVITY AND RESOURCE	REGULATORY AGENCY	REGULATORY AUTHORITY
Activities affecting Wild and Scenic Rivers	U.S. Department of the Interior U.S. Department of Agriculture  California Resources Agency	National Wild and Scenic Rivers Act (16 USC 1271)  California Wild and Scenic Rivers Act Public Resources Code, Section 5093.50 et seq.
Activities affecting designated Wilderness Areas	Bureau of Land Management  Bureau of Land Management Forest Service National Park Service	Federal Land Policy and Management Act  Wilderness Act of 1964 (16 USC 1131)
Activities involving Hazardous Materials or Hazardous Waste	Environmental Protection Agency	Comprehensive Environmental Response, Compensation and Liability Act (43 USC 9601)  Superfund Amendments and Reauthorization (42 USC 9601)  Resource Conservation Recovery Act (42 USC 692)  Toxic Substances Control Act (15 USC 2601)
Activities affecting Agricultural Land	Natural Resources Conservation Service California Department of Conservation	Farmland Protection Policy Act (7 USC 4201)  Food Security Act (16 USC 3811)
Management of Grazing Land	Bureau of Land Management Forest Service	Taylor Grazing Act of 1934 (43 USC 315)
Activities affecting Federal Forest Lands	Bureau of Land Management  Forest Service	Federal Land Policy and Management Act of 1976 (43 USC 1701)  National Forest Management Act of 1976 (16 USC 1600)  Multiple-Use and Sustained-Yield Act of 1960 (16 USC 528)  Organic Administration Act of 1897 (16 USC 473)
Activities involving Timber Harvests on Private Land	California Department of Forestry and Fire Protection	Z/Berg-Nejedly Forest Practice Act California Public Resources Code Section 4511 et seq.
Activities involving Mining Operations	State lead agency, i.e. Department of Conservation  Bureau of Land Management	Surface Mining and Reclamation Act of 1975 California Public Resources Code Section 2710  General Mining Law of 1872 (30 USC 22)  Surface Mining Control and Reclamation Act Of 1977 (30 USC 1201)

## ENVIRONMENTAL REGULATION OVERVIEW Continued

REGULATED ACTIVITY AND RESOURCE	REGULATORY AGENCY	REGULATORY AUTHORITY
Activities affecting Cultural Resources	<p>Lead Federal agency (ACHP/SHPO have oversight relative to NHPA) Native American Heritage Commission</p> <p>Lead State agency</p>	<p>National Historic Preservation Act (16 USC 470)</p> <p>American Indian Religious Freedom Act (42 USC 1996)</p> <p>Native American Graves Protection and Repatriation Act (42 USC 3001)</p> <p>Antiquities Act (16 USC 431)</p> <p>Archaeological Resources Protection Act (16 USC 470)</p> <p>State laws governing treatment of Native Americans remains</p> <p>California Public Resources Code Section 5097.95, 5097.98, and 5097.99</p> <p>California Health and Safety Code Section 7050.5</p>
Activities affecting Minority and Low-Income Populations	Lead Federal agency	<p>Executive Order 12898</p> <p>Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations</p>



## ENVIRONMENTAL COMPLIANCE NEEDS FOR PRACTICES OR ACTIONS

LAW OR REGULATION	PRACTICE OR ACTION										
	Fish Screen	Fish Passage	Diversions	Channel/ Instream	Spawning Gravel	Riparian Habitat	Meander Belts	Watershed Management	Water Quality	Flow Management	Water Rights
National Environmental Policy Act	X	X	X	X	X	X	X	O	O	O	O
Clean Water Act, Sec 404 River and Harbors Act, Sec 10 (Corps of Engrs)	X	X	X	X	X	O	X	O	O	O	
Clean Water Act Sec 401 (RWQCB)	X	X	X	X	X	O	X	O	O	O	
Wetlands Conservation Food Security Act (NRCS)			X	X	X	X	X	O	O		
Lake and Streambed Alteration Agreement (CDFG)	O	X	X	X	X	O	X	O	O	O	X
National Pollution Discharge Elimination System (RWQCB)		O	O	O	X	O	X	O	O	O	
Water Rights (SWRCB)									O	O	X
Endangered Species Act (FWS/NMFS)	X	X	X	X	X	X	X	O	O	O	O
California Endangered Species Act (CDFG)	X	X	X	X	X	X	X	O	O	O	O
Wild and Scenic Rivers Act (NPS, FS, BLM, CDFG)	O	O	O	O	O	O	O	O	O	O	O
Farmland Protection Policy Act (NRCS)						O	O	O	O	O	O
Environmental Justice in Minority and Low-Income Populations	O	O	O	O	O	O	O	O	O	O	O
California Environmental Quality Act	X	X	X	X	X	O	X	O	O	O	X
National Historic Preservation Act (SHPO)	X	X	X	X	X	O	X	O	O	O	X
American Indian Religious Freedom Act of 1978		O	O	O	O	O	O	O	O	O	O
Indian Trust Assets (BIA)		O	O	O	O	O	O	O	O	O	O

**NOTE:**

X = Action will most likely require regulatory compliance.

O = Action may require regulatory compliance depending on specific locations and timing.





# USDA, NATURAL RESOURCES CONSERVATION SERVICE

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## III-A. CLEAN WATER ACT (CWA) – SECTION 404

### 1. INTRODUCTION

Section 404 of the Clean Water Act enables the U.S. Army Corps of Engineers (COE), Secretary of the Army to issue permits for the discharge of dredged or fill materials into waters of the United States at specified disposal sites. Any discharge of dredged or fill material into waters of the U.S. resulting from an activity that involves the conversion of an area to a use for which it was not previously subject shall be required to have a permit under this section.

Exceptions: The following activities are exempt from the 404 permit process and are likewise not prohibited or subject to regulation under this section.

- Normal farming, silviculture, and ranching activities such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber and forest products, or upland soil and water conservation practices.
- Maintenance and/or emergency reconstruction of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, and bridge abutments or approaches, and transportation structures.
- Construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance of drainage ditches.
- Construction of temporary sediment basins on a construction site as long as such activity does not include placement of fill material into waters of the U.S.
- Construction or maintenance of farm roads or forest roads where such roads are constructed in accordance with best management practices that ensure that flow and circulation patterns and chemical and biological characteristics of waters of the U.S. are not impaired, that the reach of navigable waters is not reduced and that any adverse effect on the aquatic environment will be otherwise minimized.

No general permit issued under this section shall exceed a period of 5 years from the date of its issuance and the permit may be revoked or modified by the Secretary of the Army if it is determined that the activities authorized have an adverse impact on the environment or that such activities are more appropriately authorized by individual permits.

#### Nationwide Permits:

Nationwide permits are a form of general permit that authorizes a category of activities throughout the nation. These permits are valid only if the conditions applicable to the permits are met. If the conditions cannot be met, a regional or individual permit will be required. Summaries of the nationwide permits are available. A few of the nationwide permits are briefly listed here:

NWP 40: Agricultural Activities – Discharges of dredged or fill material into non-tidal waters of the U.S., excluding non-tidal wetlands adjacent to tidal waters for the purpose of improving agricultural production and the construction of building pads for farm buildings. Authorized activities include the installation, placement or construction of drainage tiles, ditches or levees; mechanized land clearing, land leveling; the relocation of existing serviceable drainage ditches constructed in waters of the U.S. (see NWP 40 attachment for conditions of discharges)

NWP 27: Riparian Restoration and Creation Activities – This Nationwide Permit applies to restoration projects that serve the purpose of restoring natural wetland hydrology, vegetation and functions to altered and degraded non-tidal wetlands and natural functions of riparian areas. It does not authorize the conversion of natural wetlands to another aquatic use, such as creation of waterfowl impoundments where a forested wetland previously existed.

### 2. GOVERNING LAWS AND JURISDICTION

Section 404 of the Clean Water Act: 40 CFR, Title 33, January 1994

<http://www.wetlands.com/regs/sec404fc.htm>

### **3. NRCS RESPONSIBILITIES/ASSISTANCE TO CLIENTS**

NRCS employees will assist landowners, through the course of our conservation planning assistance process, in determining when Section 404 issues apply. Although it is the landowner's responsibilities to obtain permits necessary for carrying out conservation practices, NRCS can play a significant role in providing information necessary to expedite that process.

### **4. PROCEDURES**

For projects involving potentially significant impacts, authorization must be sought through the issuance of an "individual permit". However, for the majority of discharges, i.e., those activities that will have only minimal adverse environmental effects, authorization is often granted up-front through the use of a "general permit". General permits may be issued by the Corps on a nationwide or regional basis. The following is a partial listing of nationwide permits which may pertain to NRCS activities:

#### **Nationwide Permits**

##### **(NWP-3) Maintenance**

The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill.

##### **(NWP-5) Scientific Measurement Devices**

Installation of staff gauges, water recording devices, water quality testing and improvement devices and similar structures. Small weirs and flumes constructed primarily to record water quantity and velocity are also authorized provided the discharge is limited to 25 cubic yards. For discharges of 10 to 25 cubic yards, notification is required.

##### **(NWP-13) Bank Stabilization**

Bank stabilization activities necessary for erosion prevention.

##### **(NWP-14) Road Crossings**

Fills for roads crossing waters of the U.S. , including wetlands and special aquatic sites. Fill placed in the waters of the U.S. is limited to a filled area of no more than 1/3 acre.

##### **(NWP-18) Minor Discharges**

Minor discharges of dredged or fill material into all waters of the U.S. provided: discharge does not exceed 25 cubic yards, discharge does not cause the loss or more than 1/10 acre of a special aquatic site, including wetlands. If the discharge exceeds 10 cubic yards or the discharge is in a special aquatic site, including wetlands, notification is required.

##### **(NWP-19) 25 Cubic Yard Dredging**

Dredging of no more than 25 cubic yards below the plane of the ordinary high water mark or the mean high water mark from navigable waters of the U.S. as part of a single and complete project.

##### **(NWP-24) State Administered Section 404 Program**

Any activity permitted by a state administering its own section 404 program.

##### **(NWP-27) Wetland Restoration Activities**

Activities in waters of the U.S. associated with the restoration of altered or degraded non-tidal wetlands and the creation of wetlands on private lands. These activities must be in accordance with the terms and conditions of a binding wetland restoration or creation agreement between the landowner and the USFWS or NRCS. Activities associated with the restoration of altered or degraded non-tidal wetlands, riparian areas and creation of wetlands and riparian areas on USFS, BLM and federal surplus lands and inventory properties may also apply. This permit does not authorize the conversion of natural wetlands to another aquatic use.

##### **(NWP-37) Emergency Watershed Protection**

Work done or funded by the NRCS qualifying as an exigency under the Emergency watershed Protection Program.

##### **9NWP-40) Farm Buildings**

Discharges of dredged or fill material into jurisdictional wetlands (but not including prairie potholes, playa lakes, or vernal pools) that were in agricultural production prior to December 23, 1985 (i.e., Farmed Wetlands) for foundations and building pads for buildings or agricultural related structures necessary for farming activities. The discharge will be limited to the minimum necessary but will, in any case, exceed 1 acre.

## 5. EXHIBITS

### III-A-1. GUIDE FOR CLEAN WATER ACT, SECTION 404 EVALUATION

## 6. REFERENCE WEB SITES

CWA Definitions

<http://www.spk.usace.army.mil/cespk-co/regulatory/regs/40cfr231.2.html>

CWA Section 404: Activities not Requiring Permits

<http://www.spk.usace.army.mil/cespk-co/regulatory/regs/40cfr232.3.html>

CWA Section 404: Wetlands and Agriculture, Clean Water Act and the Food Security Act

<http://www.spk.usace.army.mil/cespk-co/regulatory/SB.html>



Snodgrass Slough

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**GUIDE FOR CLEAN WATER ACT, SECTION 404 EVALUATION**

**STEP 1.** Is the proposed action or activity scheduled to occur involve the discharge or dredged or fill material into waters of the United States?

NO [ ] YES [ ] UNKNOWN [ ]

- a. If your answer is “No”, no additional documentation is needed concerning 404. Proceed with planning.
- b. If your answer is “Yes”, go to step 2.
- c. If your answer is “Unknown”, meaning that you do not know if the action or activity will involve the discharge of dredged or fill material into waters of the United States, read the attached help sheet instructions and repeat step 1. If you are still uncertain about the status of discharges in your planing sector, contact your Area or state Office Environmental Coordinator.

**STEP 2.** Is the proposed action or activity exempt from Section 404?

NO [ ] YES [ ] UNKNOWN [ ]

- a. If your answer is “Yes”, no additional documentation is needed concerning 404. Proceed with planning.
- b. If your answer is “No”, go to step 3.
- c. If your answer is “Unknown”, meaning that you do not know if an exemption applies, read the attached help sheet instructions and repeat step 2. If you are still uncertain about the status of discharges in your planning sector, contact your Area or State Office Environmental Coordinator or your local Corps representative.

**STEP 3.** Refer the producer to the Corps to determine if a general nationwide, regional; or individual permit applies to the proposed activities. When all necessary permits have been obtained, you may proceed with planning.





## USDA, NATURAL RESOURCES CONSERVATION SERVICE

### III-B. CALIFORNIA WATER QUALITY CERTIFICATION 401 PERMIT

#### 1. INTRODUCTION

California State Water Quality regulations require prior notification of any activity which potentially impacts wetlands, streams, lakes, channels or other water bodies. The 401 permit process at the state level is directly tied to the U.S. Army Corps of Engineers (COE) Clean Water Act 404 permit process and COE Nationwide Permit process. Substitution of a Nationwide Permit does not eliminate the need to comply with state 401 water quality certifications.

#### 2. GOVERNING LAWS AND JURISDICTION

- a. Porter-Cologne Water Quality Control Act, Division 7, Water Quality
- b. Section 404 of the Clean Water Act: 40 CFR, Title 33, January 1994  
<http://www.wetlands.com/regs/sec404fc.htm>

#### 3. NRCS RESPONSIBILITIES / ASSISTANCE TO CLIENTS

Any assistance provided to landowners or operators by NRCS employees, either in the form of technical planning recommendations or direct financial assistance through federal cost-share or incentive programs requires compliance with other federal, state and local laws and regulations. It is the responsibility of NRCS employees to provide guidance to landowners and operators, during the course of the planning process, on any issues directly or indirectly impacting wetlands, streams, lakes, channels or other waters of the United States in order to avoid non-compliance with water quality regulations and permit processes.

#### 4. PROCEDURES

NRCS employees providing assistance to landowners, operators, watershed groups and others will identify and document potential short or long term water quality impacts associated with implementation of conservation practices, land treatment measures, emergency watershed protection activities or other management recommendations when completing the Environmental Assessment for the project. If construction activities, changes in management, maintenance or installation of drainage facilities or other short or long term disturbances are being conducted in or near wetlands or waters of the United States, NRCS will inform the landowner of the potential need for a State Water Quality Certification or Waiver from the Regional Water Quality Control Board.

#### II. Information Needed for Processing Water Quality Certification Applications

##### **Water Quality Certification applications missing any of the following 5 items will be considered incomplete:**

- a. An initial deposit of \$500.00 shall accompany all applications, if \$500.00 does not cover the agency's cost to issue certification, the appropriate one-time amount determined from section 2200(e), Title 23, of the California Code of Regulations shall be requested. The check should be made payable to the State Water Resources Control Board and mailed to the CRWQCB office at the above address. If our office becomes the Lead Agency for your project, additional fees will be required based on staff hours for completion.
- b. A copy of the application for the federal permit and the type of permit, Individual or Nationwide, and project reference number from the U.S. Army Corps of Engineers (ACOE). This item is not required if the applicant will be using a non-reporting Nationwide number, but this only applies to projects not located in environmentally sensitive areas. All projects involving dredging will require a permit from the ACOE. The applicant is responsible to complete their project within the expiration date of the permit number. If no jurisdictional waters including wetlands exist on the property where the proposed project will be located, a water quality certification may not be required.

c. An adequate description of the project. Include a location map, specific dates on which the project will start, and the expected length of the project. Calculate the total amount of jurisdictional waters of the U.S. that will be temporarily and permanently impacted, in acres. Applicant must state if dredging or cofferdams will be required. Pumping from cofferdams must meet turbidity requirements from our Basin Plan and may require a dewatering permit. If your project comprises 5 acres or more of disturbed area, or less than 5 acres and the project is part of a larger common plan or development having a total area of 5 or more acres, you may need to obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activities. Please contact Leo Sarmiento of this office at (916) 255-3049 for information regarding storm water permits.

d. A copy of the application for Lakebed or Streambed Alteration Agreement (LSAA) from the Department of Fish and Game. Projects on Federal property are exempt.

e. Evidence of compliance with the California Environmental Quality Act (CEQA)/National Environmental Policy Act (NEPA). Please submit one of the following:

- 1) Notice of Exemption, state Type, Class and Section Numbers for exemption.
- 2) An initial Environment Assessment with a Negative Declaration.
- 3) An Environmental Impact Report (EIR) addressing mitigation measures or a Mitigated Negative Declaration (MND). The EIR or MND must state all on and off-site mitigation measures.

## 5. EXHIBITS

III-B-1 Addresses of SWRCB and RWQCB

## 6. REFERENCE WEB SITES

Additional information on CEQA and NEPA is available at the following web sites :

CEQA Internet location: [http://www.ceres.ca.gov/topic/env\\_law/ceqa](http://www.ceres.ca.gov/topic/env_law/ceqa)

NEPA Internet location: [http://www.ceres.ca.gov/env\\_law/federal/nepa.html](http://www.ceres.ca.gov/env_law/federal/nepa.html)

Porter-Cologne Water Quality Control Act

[http://www.swrcb.ca.gov/water\\_laws/index.html](http://www.swrcb.ca.gov/water_laws/index.html)

CWA Section 404: Activities not Requiring Permits

<http://www.spk.usace.army.mil/cespk-co/regulatory/regs/40cfr232.3.html>

CWA Section 404: Wetlands and Agriculture, Clean Water Act and the Food Security Act

<http://www.spk.usace.army.mil/cespk-co/regulatory/SB.html>



Water Sample from Evaporation Pond

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State Water Resources Control Board

1001 I Street Sacramento, CA 95814  
(916) 341-5250  
FAX: (916) 341-5252

Regional Water Quality Control Boards:

**North Coast Regional Water Quality Control Board (Region 1)**

5550 Skylane Blvd - Suite A  
Santa Rosa, CA 95403  
(707) 576-2220  
FAX: (707) 523-0135

**San Francisco Bay Regional Water Quality Control Board (Region 2)**

1515 Clay Street, Suite 1400  
Oakland, CA 94612  
(510) 622-2300  
FAX: (510) 622-2460

**Central Coast Regional Water Quality Control Board (Region 3)**

81 Higuera St-Suite 200  
San Luis Obispo, CA  
93401-5427  
(805) 549-3147  
FAX: (805) 543-0397

**Los Angeles Regional Water Quality Control Board (Region 4)**

320 West 4th Street, Suite 200  
Los Angeles, CA 90013  
(213) 576-6600  
FAX: (213) 576-6640

**Central Valley Regional Water Quality Control Board (Region 5)**

Sacramento Office  
3443 Routier Road, Suite A  
Sacramento, CA 95827-3003  
(916) 255-3000  
FAX: (916) 255-3015

**Central Valley Regional Water Quality Control Board (Region 5)**

Fresno Office  
3614 East Ashlan Ave  
Fresno, CA 93726  
(559) 445-5116  
FAX: (559) 445-5910

**Central Valley Regional Water Quality Control Board (Region 5)**

Redding Office  
415 Knollcrest Drive  
Redding, CA 96002  
(530) 224-4845  
FAX: (530) 224-4857

**Lahontan Regional Water Quality Control Board (Region 6)**

South Lake Tahoe Office  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150  
(530) 542-5400  
FAX: (530) 544-2271

**Lahontan Regional Water Quality Control Board (Region 6)**

Victorville Office  
15428 Civic Dr.-Suite 100  
Victorville, CA 92392  
(760) 241-6583  
FAX: (760) 241-7308

**Colorado River Basin Regional Water Quality Control Board (Region 7)**

73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260  
(760) 346-7491  
FAX: (760) 341-6820

**Santa Ana Regional Water Quality Control Board (Region 8)**

3737 Main Street, Suite 500  
Riverside, CA 92501-3339  
(909) 782-4130  
FAX: (909) 781-6288

**San Diego Regional Water Quality Control Board (Region 9)**

9771 Clairemont Mesa Blvd, Suite A  
San Diego, CA 92124-1331  
(858) 467-2952  
FAX: (858) 571-6972

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# USDA, NATURAL RESOURCES CONSERVATION SERVICE

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## III-C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

### 1. INTRODUCTION

The basic goal of the California Environmental Quality Act (CEQA) (Pub. Res. Code §21000 et seq.) is to develop and maintain a high-quality environment now and in the future, while the specific goals of CEQA are for California's (as apposed to Federal) public agencies to:

- a. identify the significant environmental effects of their actions; and, either
- b. avoid those significant (negative)\* environmental effects, where feasible; or
- c. mitigate those significant (negative)\* environmental effects, where feasible.

### 2. GOVERNING LAWS AND JURISDICTION

California Environmental Quality Act (CEQA) (Pub. Res. Code §21000 et seq.)

CEQA applies to "projects" proposed to be undertaken or requiring approval by State and local government agencies. "Projects" are activities that have the potential to have a physical impact on the environment and may include the enactment of zoning ordinances, the issuance of conditional use permits and the approval of tentative subdivision maps.

Where a project requires approvals from more than one public agency, CEQA requires one of these public agencies to serve as the "lead agency." A "lead agency" must complete the environmental review process required by CEQA. The most basic steps of the environmental review process are:

- a. Determine if the activity is a "project" subject to CEQA;
- b. Determine if the "project" is exempt from CEQA;
- c. Perform an Initial Study to identify the environmental impacts of the project and determine whether the identified impacts are "significant." Based on its findings of "significance," the lead agency prepares one of the following environmental review documents:
  - 1) **Negative Declaration**, if it finds no "significant" impacts;
  - 2) **Mitigated Negative Declaration**, if it finds "significant" impacts but revises the project to avoid or mitigate those significant impacts;
  - 3) **Environmental Impact Report (EIR)** if it finds "significant" impacts.

While there is no ironclad definition of "significance," the State CEQA Guidelines provides criteria to lead agencies in determining whether a project may have significant effects in Article 5.

The purpose of an EIR is to provide State and local agencies and the general public with detailed information on the potentially significant environmental effects which a proposed project is likely to have and to list ways which the significant environmental effects may be minimized and indicate alternatives to the project.

Both the CEQA Statute and CEQA Guidelines are available on-line at:

[http://ceres.ca.gov/topic/env\\_law/ceqa/](http://ceres.ca.gov/topic/env_law/ceqa/)

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\* The original source of this information (CEQA: Summary, California Resources Agency, 1998), we think, implies a "significant negative environmental effect".



Print copies are available to the public in all county libraries, as well as some colleges and university libraries, in the government publications section.

California Department of General Services  
Publications Section  
P.O. Box 1015  
North Highlands, CA 95660

### **3. NRCS RESPONSIBILITY/ASSISTANCE TO CLIENTS**

Generally, NRCS is not required to conduct CEQA processes. However, clients such as landowners may need to, as well as state, county, and local agencies that may sponsor actions or projects, or issue permits. Thus, for example, the California Department of Fish and Game is required to meet CEQA requirements before issuing Stream Alteration Agreements.

### **4. PROCEDURES**

When a project requires both Federal and State action, or where the action may have significant environmental consequences on the resources of either Federal or State government, the use of a joint document may reduce delay and may lead to more consistent decision-making. For a project with no significant environmental impacts, "Findings of No Significant Impact" (FONSI) and "Negative Declarations" (Neg. Dec.) may be prepared jointly or may be used interchangeably. For a project that may have significant environmental impacts, an Environmental Impact Statement (EIS) and Environmental Impact Report (EIR) may be combined. Refer to Exhibit I for a comparison of EIS/EIR content.

There are three basic rules to follow in preparing an adequate joint document:

- a. The lead agencies should sit down together as early in the planning process as possible to agree to prepare a joint document before either of the agencies commences a separate document.
- b. The joint document must include all of the required contents of both Federal and State law and regulations.
- c. The joint document must satisfy the public review and notice requirements of both Federal and State law and regulation.

### **5. EXHIBITS**

III-C-1. Comparison of EIS/EIR Content

III-C-2. California Environmental Checklist Form

### **6. REFERENCE WEB SITES**

CEQA Statute and CEQA Guidelines  
[http://ceres.ca.gov/topic/env\\_law/ceqa/](http://ceres.ca.gov/topic/env_law/ceqa/)

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## COMPARISON OF EIR/EIS CEQA AND NEPA PROCEDURES

The main procedures under CEQA and NEPA are presented in table 1. Similar procedures are presented next to one another for general comparison purposes. In table 2 the contents of EIR's (CEQA) and EIS's (NEPA) are illustrated side-by-side.

<b>Table 1</b> <b><u>PROCEDURES UNDER CEQA AND NEPA</u></b>	
<b><u>CEQA</u></b>	<b><u>NEPA</u></b>
Submission of Permit Application	Submission of Permit Application
Determination of Permit Application within 30 days of Completeness	Determination of Permit Application
Completeness receipt	
Lead Agency prepares Initial Study Assessment	Lead Agency conducts Environmental
Decision to prepare EIR within 30 days after Permit Application completeness is determined	Decision to prepare EIS
Notice of Preparation (NOP)	Notice of Intent (NOI)
	Formal Scoping
Lead Agency prepares Draft EIR	Lead Agency prepares Draft EIS
Notice of Completion (NOC)	Federal Register Notice
Public Notice of Availability of Draft EIR	Public Notice of Availability of Draft EIS
	Circulation by Lead Agency of Draft EIS
Public Review Period (30-90 days) and Agency Meetings	Public Review Period including Public
Consultation	(45 days typically)
Lead Agency responds to comments and prepares	Lead Agency responds to comments and
prepares	
Final EIR	Final EIS
	Federal Register Notice
	Public Notice of Availability of Final EIS
	Distribution of Final EIS
Certification of Final EIR by Lead Agency	
Lead Agency approves project	Lead Agency approves project
Notice of Determination (NOD)	Record of Decision (ROD)
(Statute of Limitations period is 30 days following Filing of NOD)	
Disposition of Final EIR	Public Notice of Availability of ROD

**Table 2**  
**CONTENTS OF EIR's AND EIS's**

<b>COMPONENT</b>	<b>CEQA (EIR)</b>	<b>NEPA (EIS)</b>
Cover Sheet		X
Summary	X	X
Table of Contents	X	X
Purpose of and Need for Action	X	X
Project Description	X	X
Alternatives Description	X	X
Environmental Setting (EIR) or Affected Environment (EIS)	X	X
Mitigation Measures	X	X
Unavoidable Adverse Impacts	X	X
Relationship Between Local Short-term Uses of Man's Environment and The Maintenance and Enhancement of Long-term Productivity	X	X
Irreversible or Irretrievable Commitments of Resources	X	X
Economic and Social Effects (Optional)	X	X
Growth-Inducing Impacts	X	
Cumulative Impacts	X	
List of Preparers	X	X
Organizations and Persons Consulted	X	
Responses to Comments on DEIR and DEIS	X	X
List of Commentors	X	

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## Environmental Checklist Form

1. Project title: \_\_\_\_\_

2. Lead agency name and address: \_\_\_\_\_

\_\_\_\_\_

3. Contact person and phone number: \_\_\_\_\_

4. Project location: \_\_\_\_\_

5. Project sponsor's name and address:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

6. General plan designation: \_\_\_\_\_ 7. Zoning: \_\_\_\_\_

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology /Soils         |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality          | <input type="checkbox"/> Land Use / Planning    |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population / Housing   |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |   |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Signature                      Date

\_\_\_\_\_  
Printed name                      For

## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance



**SAMPLE QUESTION:**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>ISSUES:</b>				
<b>I. AESTHETICS:</b> -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>II. AGRICULTURE RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>III. AIR QUALITY:</b> -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**IV. BIOLOGICAL RESOURCES: -- Would the project:**

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**V. CULTURAL RESOURCES: -- Would the project:**

a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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## VI. GEOLOGY AND SOILS: -- Would the project:

- |  |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) Strong seismic ground shaking?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iv) Landslides?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

## VII. HAZARDS AND HAZARDOUS MATERIALS: --

Would the project:

- |  |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### **VIII. HYDROLOGY AND WATER QUALITY: --**

Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**IX. LAND USE AND PLANNING: - Would the project:**

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Physically divide an established community?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**X. MINERAL RESOURCES: -- Would the project:**

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**XI. NOISE: --Would the project result in:**

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**XII. POPULATION AND HOUSING: -- Would the project:**

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**XIII. PUBLIC SERVICES:**

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 1) Fire protection?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2) Police protection?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3) Schools?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4) Parks?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5) Other public facilities?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**XIV. RECREATION: --**

- |  |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**XV. TRANSPORTATION/TRAFFIC: -- Would the project:**

- |  |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### **XVI. UTILITIES AND SERVICE SYSTEMS: --**

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**XVII. MANDATORY FINDINGS OF SIGNIFICANCE: --**

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? ☐ ☐ ☐ ☐
- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? ☐ ☐ ☐ ☐
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? ☐ ☐ ☐ ☐



## III-D. LAKE OR STREAMBED ALTERATION AGREEMENTS

### 1. INTRODUCTION

Section 1603 of the California Fish & Game Code states that it is unlawful for any person to substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream or lake designated by the Department of Fish & Game (the department), or use any material from the streambed, without first notifying the department of that activity, except when the department has been notified pursuant to section 1601.

### 2. GOVERNING LAWS AND JURISDICTION

Section 1600 California Fish & Game Code (See Exhibit III-C-1).

<http://www.dfg.ca.gov/1600/1600code.html>

General Manual, Part 190, Section 410, Compliance with NEPA

<http://policy.nrcs.usda.gov/scripts/lpsiis.dll/EDS/>

### 3. NRCS RESPONSIBILITIES / ASSISTANCE TO CLIENTS

NRCS planners will identify potential impacts to lakes and streambeds during the Environmental Assessment phase of the planning process and inform the landowner/operator of the need to obtain a permit. Although it is the landusers responsibility to secure all permits prior to beginning any technical and/or financially assisted activities, NRCS staff may help to expedite the process by putting the client in contact with the proper state agency representative. It is also likely that similar permits involving impacts to waters of the U.S., wetlands, water quality and associated threatened and endangered species may also be necessary.

### 4. PROCEDURES

Follow the procedures in the Guide for Lake and Streambed Alteration Agreement Evaluation (Exhibit III-C-2).

### 5. EXHIBITS

III-D-1. California Fish and Game Code Section 1600-1607

III-D-2. Guide for Lake or Streambed Alteration Agreement Evaluation

### 2. REFERENCE WEB SITES

Section 1600 California Fish & Game Code

<http://www.dfg.ca.gov/1600/1600code.html>

General Manual, Part 190, Section 410, Compliance with NEPA

<http://policy.nrcs.usda.gov/scripts/lpsiis.dll/EDS/>



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**FISH AND GAME CODE**  
**SECTION 1600-1607**  
**LAKE OR STREAMBED ALTERATION AGREEMENTS**

**1600.** The protection and conservation of the fish and wildlife resources of this state are hereby declared to be of utmost public interest. Fish and wildlife are the property of the people and provide a major contribution to the economy of the state as well as providing a significant part of the people's food supply and therefore their conservation is a proper responsibility of the state. This chapter is enacted to provide such conservation for these resources.

**1601.** (a) Except as provided in this section, general plans sufficient to indicate the nature of a project for construction by, or on behalf of, any state or local governmental agency or any public utility shall be submitted to the department if the project will (1) divert, obstruct, or change the natural flow or the bed, channel, or bank of any river, stream, or lake designated by the department in which there is at any time an existing fish or wildlife resource or from which these resources derive benefit, (2) use material from the streambeds designated by the department, or (3) result in the disposal or deposition of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into any river, stream, or lake designated by the department. If an existing fish or wildlife resource may be substantially adversely affected by that construction, the department shall notify the governmental agency or public utility of the existence of the fish or wildlife resource together with a description thereof and shall propose reasonable modifications in the proposed construction that will allow for the protection and continuance of the fish or wildlife resource, including procedures to review the operation of those protective measures. The department's description of an existing fish or wildlife resource shall be specific and detailed and the department shall make available upon request the information upon which its conclusion is based that the resource may be substantially adversely affected. The proposals shall be submitted within 30 days from the date of receipt of the plans, except that the time period may be extended by mutual agreement. Upon a determination by the department and after notice to the affected parties of the necessity for an onsite investigation or upon the request for an onsite investigation by the affected parties, the department shall make an onsite investigation of the proposed construction and shall make the investigation before it proposes any modifications.

(b) (1) Within 14 days from the date of receipt of the department's proposals, the affected agency or public utility shall notify the department in writing whether the proposals are acceptable, except that the time period may be extended by mutual agreement. If the department's proposals are not acceptable to the affected agency or public utility, the agency or public utility shall so notify the department. Upon request, the department shall meet with the affected agency or public utility within seven days of receipt of the notification, or at a time mutually agreed upon, for the purpose of developing proposals that are acceptable to the department and the affected agency or public utility.

(2) If mutual agreement is not reached at the meeting held pursuant to paragraph (1), a panel of arbitrators shall be established. The panel of arbitrators shall be established within seven days from the date of the meeting, or at a time mutually agreed upon, and shall be composed of one representative of the department, one representative of the affected agency or public utility, and a third person mutually agreed upon or, if no agreement can be reached, the third person shall be appointed in the manner provided by Section 1281.6 of the Code of Civil Procedure. The third person shall act as chair of the panel. The panel may settle disagreements and make binding decisions regarding the fish and wildlife modifications. The arbitration shall be completed within 14 days from the date that the composition of the panel is established, unless the time is extended by mutual agreement. The expenses of the department representative shall be paid by the department; the expenses of the representative of the governmental agency or the public utility shall be paid by the governmental agency or the public utility; and the expenses of the chair of the panel shall be paid one-half by each party.

(c) A governmental agency or public utility proposing a project subject to this section shall not commence operations on that project until the department has found that the project will not substantially adversely affect an existing fish or wildlife resource or until the department's proposals, or the decisions of a panel of arbitrators, have been incorporated into the project. The department shall not condition the streambed alteration agreement on a project subject to this section on the receipt of another state or federal permit.

(d) The department shall determine and specify types of work, methods of performance, or remedial measures that are exempt from this section.

(e) With regard to any project that involves the routine maintenance and operation of water supply, drainage, flood control, or waste treatment and disposal facilities, notice to, and agreement with, the department is not required subsequent to the initial notification and agreement, unless the work as described in the agreement is substantially changed or conditions affecting fish and wildlife resources substantially change, and the resources are adversely affected by the activity conducted under the agreement. This subdivision applies in any instance where notice to, and agreement with, the department has been attained prior to January 1, 1977.

(f) (1) Except as provided in paragraph (2), this section does not apply to any of the following projects:

(A) Immediate emergency work necessary to protect life or property.

(B) Immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

(C) Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, except for a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage. Work needed in the vicinity above and below a highway may be conducted outside of the existing right-of-way if it is needed to stop ongoing or recurring mudslides, landslides, or erosion that pose an immediate threat to the highway or to restore those roadways damaged by mudslides, landslides, or erosion to their predamage condition and functionality. This subparagraph does not exempt from this section any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.

(2) The agency or public utility performing the project shall notify the department within 14 days from the date of commencement of a project exempted by this subdivision.

(3) For purposes of this subdivision, "emergency" means an emergency, as defined in Section 21060.3 of the Public Resources Code.

(g) The department may enter into agreements with applicants for a term of not more than five years for the performance of operations on projects subject to this section. The terms of the agreement may be renegotiated at any time by mutual consent of the parties. Each agreement shall be renewed automatically by the department at the expiration of its term unless the department determines that there has been a substantial change in conditions. If there is a disagreement between the department and the applicant as to whether there has been a substantial change in conditions, the department and the applicant shall proceed to arbitration pursuant to subdivision.

(b). The department may charge a fee when the agreement is entered into and for each renewal, but may not charge an annual fee for this purpose.

**1602.** In addition to the provisions of Section 1601, the department, following submission of the modifications referred to in Section 1601, shall by mutual agreement with any state agency proposing such project, establish such procedures that the parties deem necessary to provide adequate review of the proposed modifications and consideration of alternative conditions designed to protect existing fish and wildlife resources. If no agreement can be reached between the department and the state agency proposing the project, the procedures for arbitration specified in Section 1601 shall then apply.

**1603.** (a) It is unlawful for any person to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds, without first notifying the department of that activity, except when the department has been notified pursuant to Section 1601. The department, within 30 days from the date of receipt of that notice, or within the time determined by mutual written agreement, shall, when an existing fish or wildlife resource may be substantially adversely affected by that activity, notify the person of the existence of that fish or wildlife resource together with a description of the fish or wildlife, and shall submit to the person its proposals as to measures necessary to protect fish and wildlife. Upon a determination by the department of the necessity for onsite investigation or upon the request for an onsite investigation by the affected parties, the department shall notify the affected parties that it shall make an onsite investigation of the activity and shall make that investigation before it proposes any measure necessary to protect the fish and wildlife. The department's description of an existing fish or wildlife resource shall be specific and detailed and the department shall make available upon request the information upon which its conclusion is based that the resource may be substantially adversely affected.

(b) (1) Within 14 days from the date of receipt of the department's proposals, the affected person shall notify the department in writing whether the proposals are acceptable, except that the time period may be extended by mutual agreement. If the department's proposals are not acceptable to the affected person, the person shall so notify the department. Upon request, the department shall meet with the affected person within seven days from the date of receipt of that notification or by a date that may be mutually agreed upon for the purpose of developing proposals that are acceptable to the department and the affected person.

(2) If mutual agreement is not reached at the meeting held pursuant to paragraph (1), a panel of arbitrators shall be established. However, appointment of the panel may be deferred by mutual consent of the parties. The panel shall be established within seven days from the date of that meeting and shall be composed of one representative of the department, one representative of the affected person, and a third person mutually agreed upon or, if no agreement can be reached, the third person shall be appointed in the manner provided by Section 1281.6 of the Code of Civil Procedure. The third person shall act as panel chair. The panel may settle disagreements and make binding decisions regarding fish and wildlife modifications. The arbitration shall be completed within 14 days from the date that the composition of the panel is established, unless the time period is extended by mutual agreement. The expenses of the department representative shall be borne by the department; the expenses of the representative of the person who diverts or obstructs the natural flow, or

changes the bed, of any river, stream, or lake, or uses any material from the streambeds shall be borne by that person; and the expenses of the chair of the panel shall be paid one-half by each party.

(c) It is unlawful for any person to commence any activity affected by this section until the department has found that it will not substantially adversely affect an existing fish or wildlife resource or until the department's proposals, or the decisions of a panel of arbitrators, have been incorporated into the activity. If the department fails to act within 30 days from the date of the receipt of the notice, the person may commence the activity. The department shall not condition the streambed alteration agreement on the receipt of another state or federal permit.

(d) It is unlawful for any person to engage in an activity affected by this section, unless the activity is conducted in accordance with the department's proposals or the decisions of the panel of arbitrators.

(e) If an activity involves the routine maintenance and operation of water supply, drainage, flood control, or waste treatment and disposal facilities, notice to and agreement with the department shall not be required subsequent to the initial notification and agreement unless the work as described in the agreement is substantially changed or conditions affecting fish and wildlife resources substantially change and those resources are adversely affected by the activity conducted under the agreement. This subdivision applies in any instance where notice to, and agreement with, the department has been attained prior to January 1, 1977.

(f) (1) Except as provided in paragraph (2), this section does not apply to any of the following projects:

(A) Immediate emergency work necessary to protect life or property.

(B) Immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

(C) Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, except for a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage. Work needed in the vicinity above and below a highway may be conducted outside of the existing right-of-way if it is needed to stop ongoing or recurring mudslides, landslides, or erosion that pose an immediate threat to the highway or to restore those roadways damaged by mudslides, landslides, or erosion to their predamage condition and functionality. This subparagraph does not exempt from this section any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.

(2) The person performing the project shall notify the department within 14 days from the date of commencement of a project exempted by this subdivision.

(3) For purposes of this subdivision, "emergency" means an emergency, as defined in Section 21060.3 of the Public Resources Code.

(g) The department may enter into agreements with applicants for a term of not more than five years for the performance of activities subject to this section. The terms of the agreement may be renegotiated at any time by mutual consent of the parties. Each agreement shall be renewed automatically by the department at the expiration of its term unless the department determines that there has been a substantial change in conditions. If there is a disagreement between the department and the applicant as to whether there has been a substantial change in conditions, the department and the applicant shall proceed to arbitration pursuant to subdivision (b). The department may charge a fee when the agreement is entered into and for each renewal, but may not charge an annual fee for this purpose.

**1603.1.** (a) Every person who violates Section 1603 is subject to a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each violation.

(b) The civil penalty imposed for each separate violation pursuant to this section is separate, and in addition to, any other civil penalty imposed for a separate violation pursuant to this section or any other provision of law.

(c) In determining the amount of any civil penalty imposed pursuant to this section, the court shall take into consideration the nature, circumstance, extent, and gravity of the violation. In making this determination, the court may consider the degree of toxicity and volume of the discharge, whether the effects of the violation may be reversed or mitigated, and with respect to the defendant, the ability to pay, the effect of any civil penalty on the ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the gravity of the behavior, the economic benefit, if any, resulting from the violation, and any other matters the court determines justice may require.

(d) Every civil action brought under this section shall be brought by the Attorney General upon complaint by the department, or by the district attorney or city attorney in the name of the people of the State of California, and any actions relating to the same violation may be joined or consolidated.

(e) In any civil action brought pursuant to this chapter in which a temporary restraining order, preliminary injunction, or permanent injunction is sought, it is not necessary to allege or prove at any stage of the proceeding any of the following:

(1) That irreparable damage will occur if the temporary restraining order, preliminary injunction, or permanent injunction is not issued.

(2) The remedy at law is inadequate. The court shall issue a temporary restraining order, preliminary injunction, or permanent injunction in a civil action brought pursuant to this chapter without the allegations and without the proof specified in this paragraph or paragraph (1).

(f) All civil penalties collected pursuant to this section shall not be considered fines or forfeitures as defined in Section 13003 and shall be apportioned in the following manner:

(1) Fifty percent shall be distributed to the county treasurer of the county in which the action is prosecuted. Amounts paid to the county treasurer shall be deposited in the county fish and wildlife propagation fund established pursuant to Section 13100.

(2) Fifty percent shall be distributed to the department for deposit in the Fish and Game Preservation Fund. These funds may be expended to cover the costs of any legal actions or for any other law enforcement purpose consistent with Section 9 of Article XVI of the California Constitution.

**1603.3.** The department shall provide all applicants for an agreement pursuant to Section 1601 or 1603 with a cover letter which sets forth all of the following information:

(a) The time period for review of the application.

(b) An explanation of the applicant's right to object to conditions proposed by the department.

(c) The time period within which objections may be made in writing by the applicant to the department.

(d) The time period within which the department is required to respond to the applicant's objections, and that the response must be in writing.

(e) An explanation of the right of the applicant to appeal the department's imposition of conditions for the agreement, including the right to arbitration.

(f) The procedures for arbitration and the timelines set forth in statute for using the arbitration procedure, including, but not limited to, information about the payment requirements for the arbitrator's fees.

(g) The current fee schedule for obtaining the agreement, including, but not limited to, an explanation of how the fees are calculated.

**1603.5.** The department may enter into an agreement with any person, state or local governmental agency, or any public utility, for projects in the Napa River watershed in accordance with a watershed management plan developed by the Napa Resource Conservation District. Notice to, and agreement with, the department is not required for a project subsequent to the initial agreement pursuant to this subdivision, unless the work as described in the agreement is substantially changed, or conditions affecting fish and wildlife resources substantially change, and those resources are adversely affected by the activity conducted under the agreement.

**1604.** Any party affected by a decision made by an arbitration panel pursuant to Section 1601 or 1603 may petition a court of competent jurisdiction for confirmation, correction, or vacation of the decision in accordance with the provisions of Chapter 4 (commencing with Section 1285) of Title 9 of Part 3 of the Code of Civil Procedure.

**1605.** Any governmental agency, state or local, or public utility which intends to specify any location of possible construction material such as borrow pits or gravel beds, for the use in any construction project undertaken on its behalf which would be subject to this chapter, shall include in any notice inviting bids, any modifications or conditions established pursuant to Section 1601 of this code.

**..1606.** Persons submitting timber harvesting plans under provisions of Section 4581 of the Public Resources Code may consider that notification to the department as required in Section 1603 has been given, provided, however, the following information is provided in the contents of such plan:

(a) The volume, type, and equipment to be used in removing or displacing any one or combination of soil, sand, gravel or boulders.

(b) The volume of water, intended use, and equipment to be used in any water diversion or impoundment, if applicable.

(c) The equipment to be used in road or bridge construction.

(d) The type and density of vegetation to be affected and an estimate of the area involved.

(e) A diagram or sketch of the location of the operation which clearly indicates the stream or other water and access from a named public road. Locked gates shall be indicated. The compass direction must be shown.

(f) A description of the period of time in which operations will be carried out.

**1607.** (a) The director may establish a schedule of fees to be charged to any entity or person subject to this chapter. The fees charged shall be established in an amount necessary to pay the total costs incurred by the department in preparing and submitting proposals and conducting investigations pursuant to this chapter and administering and enforcing this chapter. Fees received pursuant to this section shall be deposited in the Fish and Game Preservation Fund as a reimbursement.

(b) Pursuant to subdivision (a), the department shall establish the fees in an amount not less than fifty dollars (\$50) or more than two thousand four hundred dollars (\$2,400), as adjusted pursuant to Section 713.

## GUIDE FOR LAKE OR STREAMBED ALTERATION AGREEMENTS EVALUATION

In order to notify the Department of Fish & Game of a proposed project, the project proponent will need to complete the following steps:

**Step 1.** Complete a Notification of Lake or Streambed Alteration form (FG 2023).

**Step 2.** Complete a Project Questionnaire form (FG 2024). The operator or the operator's authorized representative must sign and date the questionnaire and should enclose any information or documents that relate to the responses in the questionnaire.

**Step 3.** Determine the application fees by referring to the fee schedule at the following web site:

<http://www.dfg.ca.gov/1600/fees2000.html>

If the project needs to be reviewed under CEQA a deposit of \$750.00 will need to be submitted at a later date to cover the Department of Fish & Game's initial CEQA review costs.

**Step 4.** Submit the above completed forms, attachments or enclosures, and applicable fees to:

[Department of Fish & Game](#)

Region

Address

City, State, Zip

Department of Fish & Game Regional Office address listings:

<http://www.dfg.ca.gov/1600/question5.html>

General information, Questions and Answers and points of contact regarding the State Lake and Streambed Alteration Permit Process can be found at the following web address:

<http://www.dfg.ca.gov/1600/>

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## III-E. COASTAL ZONE MANAGEMENT ACT (CZMA)

### 1. INTRODUCTION

Coastal Zone Management Areas are areas located within, or near the officially designated “Coastal Zone” of a state. Generally, this includes the Atlantic, Gulf of Mexico, and Pacific coastal areas, but also includes the Great Lakes. Coastal programs are approved by the National Oceanic and Atmospheric Administration’s Office of Coastal Zone Management. Coastal zone management areas are: (1) the coastal waters and adjacent shorelines, including the lands or waters inside and under those zones; and (2) areas that strongly influence adjacent coastal zones of the 35 states that have coastal zone management programs.

Location of Resource: Specific examples of areas included in the coastal zone are “transitional” and intertidal areas, such as salt marshes, fresh-water wetlands, and beaches. Also included in coastal zone management areas are the connecting waters, harbors, and estuarine areas, such as, bays, shallows and marshes as well as those waters adjacent to the shorelines, including but not limited to sounds, bays, lagoons, bayous, ponds and the estuaries themselves. The coastal zone management area extends seaward to the outer limit of the United States territorial sea, generally 200 miles. Inland, the coastal area extends only to the extent necessary to control land uses, which have a direct and significant impact (effect) on coastal waters. Coastal California county based maps are appended to this section showing the approximate Coastal Zone Boundaries for California (Exhibit III-D-2).

What Projects/Activities Require Agency Review/Consultation/Permits: Projects, or actions must be consistent with Local Coastal Programs (LCPs) and permits are obtained from county or city agency having coastal permit authority in the project area. Some permits are obtained from the California Coastal Commission.

Exempt Activities: Activities consistent with LCP.

### 2. GOVERNING LAWS AND JURISDICTION

**Federal:** Coastal Zone Management Act, Section 307  
Coastal Zone Act Reauthorization Amendments (CZARA, 1990)

**State:** Proposition 20 (Coastal Initiative, 1972), the California Coastal Plan (1975), and the California Coastal Act (1976).

**Local:** Local Coastal Programs (LCP)

#### Agency Jurisdiction

**Federal:** Section 307 of the Coastal Zone Management Act specifies that actions, or activities within the Coastal Zone done by a Federal agency, or on behalf of or through a Federal agency must be “consistent” with the State’s Coastal Zone Management Plan. That is, any Federal activity cannot be in opposition to the goals and objectives that exist in an approved Coastal Zone Management Plan. The U.S. Supreme Court has upheld the so-called “consistency provision” of the Act. Therefore, Natural Resources Conservation Service planning must be “consistent” with the State’s Coastal Plan and be in concert with the goals, tenets, and objectives of that plan.

On March 9, 1993, a letter was jointly signed by the Soil Conservation Service, the Agricultural Stabilization and Conservation Service, and the Extension Service setting forth the policies for enforcement and adoption of science and technology based land-management measures that eliminate, or control nonpoint sources of pollution. Guidance on nonpoint source pollution matters in the coastal zone is contained in EPA’s “Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters (EPA 840-B-92-002), issued in response to the Coastal Zone Act Reauthorization Amendments (CZARA) of 1990. The guidance covers among other areas: agricultural sources, forestry sources, urban sources, marinas and recreational boating sources, and channel, dam, streambank and shoreline sources.



**State:** The California Coastal Commission is one of California's two designated coastal management agencies for the purpose of administering the federal Coastal Zone Management Act. The other is the San Francisco Bay Conservation and Development Commission (BCDC) which has this authority within San Francisco Bay area. Proposition 20 (Coastal Initiative, 1972), the California Coastal Plan (1975), and the California Coastal Act (1976) all envisioned a permanent, state coastal management agency. After local coastal programs (LCPs) have been fully certified and local governments have assumed coastal permit issuing responsibilities, a variety of tasks must be carried out by the Coastal Commission on an ongoing basis.

The following are functions mandated by law and assigned to the California Coastal Commission that relate to NRCS activities:

- a. Federal Activities – Activities authorized, funded or carried out by the Federal Government that affect coastal zone resources must be reviewed by the Commission for consistency with the federally approved California Coastal Management Program, including the Coastal Act (PRC 30330, and 30400). As approved by the Federal Government in 1977, and with relatively minor exceptions, the Commission is the only State agency which can conduct this review of federal projects and activities.
- b. Coastal Permits/Permit Reviews – All new development proposed on tide and submerged lands, and other public trust lands must receive a permit from the Commission (PRC 30519(b), and 30416(d)). In addition, new development under public works plans are reviewed by the Commission (PRC 30606).
- c. Public Access – The implementation of a public coastal access program for the length of California's coastline, including maintaining and updating an access inventory, keeping records of easements and dedications, and expediting the opening of new accessways for public use are continuing responsibilities of the Commission (PRC 30530-30534).
- d. LCP Reviews – At least every five years, each LCP must be reviewed by the Commission to determine whether the program is being effectively implemented in conformity with the Coastal Act (PRC 30519.5).

**Local:** The coastal zone established by the Coastal Act does not include San Francisco Bay. Development in the Bay and in a narrow strip of land surrounding the Bay is regulated by the Bay Conservation and Development Commission.

California's coastal management program is carried out through a partnership between state and local governments. Implementation of Coastal Act policies is accomplished primarily through the preparation of local coastal programs (LCPs) that are required to be completed by each of the 15 counties and 58 cities located in whole or in part in the coastal zone. Completed LCPs must be submitted to the California Coastal Commission for review and approval. An LCP includes a land use plan (LUP) which is the relevant portion of the local general plan, including any maps necessary to administer it, and the zoning ordinances, zoning district maps, and other legal instruments necessary to implement the land use plan. After certification of an LCP, coastal development permit authority is delegated to the appropriate local government. The California Coastal Commission retains original permit jurisdiction over certain specified lands (public trust lands such as tidelands) and has appellate authority over development approved by local government in specified geographic areas.

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## **Contact Sources**

California Coastal Commission: <http://www.coastal.ca.gov>

<u>OFFICE</u>	<u>ADDRESS</u>	<u>TELEPHONE NUMBERS</u>
Headquarters	45 Fremont St., Suite 2000 San Francisco, CA 94105-2219	(415)904-5200 FAX (415)904-5400
North Coast	710 E St., Suite 200 Eureka, CA 95501	(707)445-7833 FAX (707)445-7877
North Central Coast	45 Fremont St., Suite 2000 San Francisco, CA 94105-2219	(415)904-5260 FAX (415)904-5400
Central Coast	725 Front St., Suite 300 Santa Cruz, CA 95060-4508	(831)427-4863 FAX (831)427-4877
South Central Coast	89 South California St., Suite 200 Ventura, CA 93001-2801	(805)641-0142 FAX (805)641-1732
South Coast	200 Oceangate, 10 <sup>th</sup> Floor Long Beach, CA 90802	(562)590-5071 FAX (562)590-5084
San Diego Coast	7575 Metropolitan Dr., Suite 103 San Diego, CA 92108-4402	(619)767-2370 FAX (619)767-2384

## **Local**

Reference appropriate city or county permitting agencies:

### **3. NRCS RESPONSIBILITY/ASSISTANCE TO CLIENTS**

Determine if action will impact Coastal Zone Management area (Exhibit III-E-1), also, refer to Coastal Zone Boundary Areas Maps (Exhibit III-E-2). Landowners will need to obtain permit from local permitting agency (usually county or city).

### **4. PROCEDURES**

Utilize GUIDE FOR COASTAL ZONE AREAS EVALUATION (Exhibit III-E-1).

### **5. EXHIBITS**

These are in paper copies of this handbook only, until electronic copies are available at this web site:

<http://www.coastal.ca.gov>

III-E-1. Guide for Coastal Zone Areas Evaluation

### **6. REFERENCE WEB SITES**

California Coastal Commission

<http://www.coastal.ca.gov>

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## GUIDE FOR COASTAL ZONE AREAS EVALUATION

**Step 1.** Is the proposed action or activity scheduled to occur in an officially designated “Coastal Zone Management Area?”

NO ☐      YES ☐      UNKNOWN ☐

- a. If your answer is “NO,” proceed with planning.
- b. If your answer is “YES,” go to Step 2.
- c. If your answer is “UNKNOWN,” because you are not sure if the project area is within a designated area, check with the local agency having jurisdiction over Coastal Zone Management in the area, County or City, or with the California Coastal Commission office covering the area (see “Contact Sources” listed in the California Environmental Handbook).

**Step 2.** What is the effect of the proposed activity on the coastal zone management area?

NONE ☐      POSITIVE ☐      NEGATIVE ☐

- a. If your answer is “NONE” (no effects either positive or negative), no additional documentation is needed concerning the coastal zone area. Indicate No Effect on the NRCS Environmental Assessment Worksheet. Proceed with planning.
- b. If there are “POSITIVE” effects, and the effects are consistent with the goals and objectives of maintaining, protecting and preserving coastal zone characteristics, lands and waters, document (describe) the positive effects on the NRCS Environmental Assessment Worksheet and proceed with planning. If there are “Positive” effects for purposes other than environmental and those effects appear to be not consistent with the goals and objectives of maintaining, protecting and preserving coastal zone areas, consider your answer as “NEGATIVE,” the same as answer “c” below. Go to Step 3.
- c. If there are “NEGATIVE” effects, document (describe) the effects on the NRCS Environmental Assessment Worksheet. If the land user still desires technical assistance, let them know they will have to proceed with obtaining a Coastal Zone Management Permit from the appropriate local agency. Assistance can be provided by NRCS to the landowner in obtaining the permit. Go to Step 3.

**Step 3.** Is the proposed action or activity “consistent” with the goals and objectives of the California Coastal Zone Management Plan?

YES ☐      NO ☐      UNKNOWN ☐

- a. If your answer is “Yes,” document on the NRCS Environmental Assessment Worksheet and proceed with planning.
- b. If your answer is “No,” document on the NRCS Environmental Assessment Worksheet how and why the proposed action or activity is not “consistent” with California’s Coastal Zone Management Plan. If the land user still desires technical assistance for the proposed action, or activity, consult with the City, County, or California Coastal Commission as appropriate, to determine how the action could be made compatible with the Coastal Plan. If there appears to be no alternative that could be implemented to make the action, or activity “consistent” with the Coastal Plan, NRCS may need to withdraw assistance.
- c. If your answer is “UNKNOWN,” meaning that you do not know if the proposed action, or activity is “consistent” with the California Coastal Management Plan consult with the local responsible agency.

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# USDA, NATURAL RESOURCES CONSERVATION SERVICE

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## III-F. – BURNING PERMITS (CONTROL OF EMISSIONS)

### 1. INTRODUCTION

There are 35 Air Pollution Control Districts, or Air Quality Management Districts (air districts) in California. Information about each air districts' programs can be obtained from the List of Current Rules in each of the 35 Air Districts.

The emission of material which may be the cause of air pollution may be required to be controlled by regulations.

### 2. GOVERNING LAWS AND JURISDICTION

**State:** California Code of Regulations, Title 13, Motor Vehicles  
California Code of Regulations, Title 17, Public Health  
Health and Safety Code, Division 26, Air Resources

**Local:** See exhibits

### 3. NRCS RESPONSIBILITY/ASSISTANCE TO CLIENTS

NRCS is responsible for providing technical assistance to clients to develop strategies to control causes of air pollution as part of the conservation planning process. NRCS can assist the client in gathering data, identifying the proper agency which can provide detailed assistance and possibly plan writing, and performing calculations needed to complete the permit application.

### 4. PROCEDURES

#### Burning Permits (Smoke Management)

The California Air Resources Board adopted California's Smoke Management Guidelines at its March 23, 2000 meeting. It was forwarded to the Office of Administrative Law (OAL) and they have until the middle of March 2001 to make a determination. After OAL approval of the Guidelines and its rules, the Guidelines need to be submitted to the Secretary of State for approval. The Guidelines require air districts to develop their smoke management plans by July 1, 2001.

Each of these Districts is required under Title 17, to implement a district-wide smoke management program. Information about each air districts' smoke management programs can be obtained from the List of Current Rules in each of the 35 Air Districts. (<http://www.arb.ca.gov/drdb/drdbtxt.html>).

### 5. EXHIBITS - None

### 6. REFERENCE WEB SITES

Air Pollution Control Districts (APCD) and Air Quality Management Districts (AQMD)  
<http://www.arb.ca.gov/drdb/drdbtxt.html>

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## III-G. PESTICIDES

### 1. INTRODUCTION

A pest is any organism (plant or animal) that causes trouble, annoyance, or discomfort, or becomes a nuisance by destroying food and fiber products, causing structural damage, or creating a poor environment for other organisms.

Pesticides are defined as “any substance used for controlling, preventing, destroying, repelling, or mitigating any pest.”

Pest Management is defined as a component of agriculture, or forestry production and marketing systems that seeks to reduce losses through the prevention and/or suppression of pest populations. Integrated Pest Management (IPM) encompasses the integration and use of technically and economically feasible and efficient pest management strategies that are implemented through the use of an array of chemical, cultural, genetic, and biological tactics. IPM methods and strategies are selected to achieve needed levels of pest control in a cost-effective, energy-efficient manner while minimizing hazards to human health and protecting or enhancing environmental quality.

### 2. GOVERNING LAWS AND JURISDICTION

Federal Laws and Regulations relating to Pesticide Application

40 CFR Title 40: Protection of the Environment Chapter 1 – Environmental Protection Agency Subchapter E – Pesticide Programs <http://www.epa.gov/docs/epacfr40/chap-1.info/subch-E>

California Laws and Regulations relating to Pesticide Application

California Code of Regulations: Pesticides and Pest Control Operations

California Dept. of Pesticide Regulation <http://www.cdpr.ca.gov/docs/legbills/opramenu.htm>

California Food and Agriculture Code Section 13141-13152

[gopher://leginfo.public.ca.gov/0/pub/code/fac/13001-14000/13141-13152](http://gopher://leginfo.public.ca.gov/0/pub/code/fac/13001-14000/13141-13152)

### 3. NRCS RESPONSIBILITY/ASSISTANCE TO CLIENTS

NRCS's primary role in pest management is to help producers understand the environmental risks associated with different pest control options so that they can incorporate them into their pest management decision-making process. The major emphasis is on quantifying how pesticide choice and management factors can affect the potential for pesticide movement below the root zone and beyond the edge of the field. NRCS is responsible in working with the landowner in implementing best management practices which will minimize pesticide runoff and drift which may harm surrounding habitat and wildlife.

### 4. PROCEDURES

California has restrictions on the use of pesticides. Check with your County Agricultural Commissioner. Also, because registrations of pesticides are under constant review by the Federal Environmental Protection Agency, consult with your county agricultural agent or state extension specialist to be sure the intended use is still registered. Pesticides used improperly can be injurious to man, domestic animals, beneficial insects, plants, fish, and wildlife. Follow the directions and heed all precautions on the labels.

NRCS employees who assist landowners are to stress the importance of closely following the directions and precautions on the pesticide container label. Users of pesticides should be cautioned that improper use of pesticides and careless disposal of containers and unused portions of concentrated, or diluted pesticides can poison people, domestic animals, desirable plants, pollinating insects, fish, or wildlife, and can contaminate water supplies.

All NRCS personnel that provide pesticide guidance to the public are to be properly trained and certified as required by the appropriate state authority (California Dept. Pesticide Regulation) and that continuing education and training is provided to keep certified employees current at all times.



**5. EXHIBITS - None**

**6. REFERENCE WEB SITES**

NRCS Pesticide Policy GM-190 Part 404 – Pesticides

<http://policy.nrcs.usda.gov/scripts/lpsiis.dll/EDS/>

CTIC (Conservation Technology Information Center) Core4 IPM (Integrated Pest Management) Brochure

<http://www.ctic.purdue.edu/Core4/support/OrderInfo/ipm.pdf>

NRCS National Water and Climate Center (NWCC) Pest Management Home page

<ftp://ftp.ma.nrcs.usda.gov/outgoing/Pest/pm.htm>

EPA Region 9 Pesticides and Toxics Programs

<http://www.epa.gov/region09/toxic/>

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# USDA, NATURAL RESOURCES CONSERVATION SERVICE

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## III-H. WEEDS/INVASIVE PLANTS

### 1. INTRODUCTION

Noxious Weeds are defined as – Any species of plant that is, or is liable to be, troublesome, aggressive, intrusive, detrimental, or destructive to agriculture, silviculture, or important native plant species, and difficult to control or eradicate, which the Director of the California Department of Agriculture by regulation, designates to be a noxious weed.

### 2. GOVERNING LAWS & REGULATIONS

**State Laws** – Laws pertaining to weeds and noxious plants can be found in the California Food and Agriculture Code [gopher://leginfo.public.ca.gov/0/pub/code/fac/07001-08000/7270-7274](http://leginfo.public.ca.gov/0/pub/code/fac/07001-08000/7270-7274) and at <http://pi.cdffa.ca.gov/weedinfo/weedlaws.html>

**Local Laws** – Local ordinances and regulations regarding noxious weed control by targeted can be found by inquiring at the County Department of Agriculture or City/County Planning Department where you are located. A list of weed control projects by county or targeted species can be found at the following CALWEED database web site <http://endeavor.des.ucdavis.edu/weeds/>

### 3. NRCS RESPONSIBILITY/ASSISTANCE TO CLIENTS

NRCS is responsible for providing technical assistance to landowners with regards to the identification of noxious weeds, develop strategies to eradicate or control noxious weeds as part of the conservation planning process, and help prevent the introduction and/or establishment of noxious weeds and invasive plants in the design and implementation of conservation plans and practices.

### 4. PROCEDURES

As part of filling out the California Environmental Assessment Worksheet, Weeds/Invasive Plants are addressed in Section IV. Plants, items a, b, and c. To find a list of noxious weeds and invasive plants by county, the Calflora database can be queried (<http://www.calflora.org/>). To identify Noxious Weed Control projects in your county the CALWEED database (California Noxious Weed Control Projects Inventory - <http://endeavor.des.ucdavis.edu/weeds/>) can be queried by Target Species, County, or Control Method. This information can be used to prevent the introduction or spread of noxious weeds/invasive plants in the design or implementation of conservation practices. An example of this is when implementing Practice 332 – Contour Buffer Strips, the practice standard states under Additional Criteria – Vegetation “No plants listed on the noxious weed list of the state will be established in a buffer strip cropping system”.

### 5. EXHIBITS - None

### 6. REFERENCE WEB SITES

**CALWEED database web site**  
<http://endeavor.des.ucdavis.edu/weeds/>

**California Native Plant Society**  
<http://www.cnps.org/>

**Calflora database web site**  
<http://www.calflora.org/>

**CERES LUPINE – California Land Use Planning Information Network**  
<http://ceres.ca.gov/planning/>

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## III-I. WATER RIGHTS

### 1. INTRODUCTION

NRCS assists producers in the development of water supplies for livestock, irrigation and other conservation uses. Under certain circumstances producers must first apply to the California State Water Resources Control Board for a permit to use that water. A producer needs to file for water rights permit when:

- The land that the water is to be used on is not adjacent to the proposed source stream
- Water is to be stored (on or off-stream) for later seasonal use (includes livestock ponds and irrigation water supplies)
- A proposed source spring feeds a flowing stream

A permit is not required to use groundwater, or water from springs that have no natural outlet.

The process of obtaining a permit can take up to a year depending on the resolution of any protest submitted by other parties such as downstream water users.

### 2. GOVERNING LAWS AND JURISDICTION

State Water Code, State Water Resources Control Board, Division of Water Rights

[www.waterrights.ca.gov/html/wr\\_process.htm](http://www.waterrights.ca.gov/html/wr_process.htm)

[www.waterrights.ca.gov/application/forms/permit/appinst.htm](http://www.waterrights.ca.gov/application/forms/permit/appinst.htm)

### 3. NRCS RESPONSIBILITY/ASSISTANCE TO CLIENTS

NRCS will inform cooperators of the need and the process of applying for a water right permit. Final technical or financial assistance can be provided after the cooperating producer informs NRCS that he, or she has obtained the permit.

NRCS can assist the producer in gathering data and performing calculations needed to complete the permit application. These include quantifying the amount of water needed for the intended purpose, or quantifying the volume water to be stored by a proposed pond, or other facility. Guidance in making these calculations is available from the State Board. (See web sites above)

### 4. PROCEDURES

The permit application and guidance for its completion is available at the web site listed above.

### 5. EXHIBITS - None

### 6. REFERENCE WEB SITES

State Water Code, State Water Resources Control Board, Division of Water Rights

[www.waterrights.ca.gov/html/wr\\_process.htm](http://www.waterrights.ca.gov/html/wr_process.htm)

[www.waterrights.ca.gov/application/forms/permit/appinst.htm](http://www.waterrights.ca.gov/application/forms/permit/appinst.htm)

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# USDA, NATURAL RESOURCES CONSERVATION SERVICE

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## III-J. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS - DAIRIES

### 1. INTRODUCTION

Under the federal Clean Water Act (CWA), concentrated animal feeding operations (CAFOs) including certain dairies and other animal feeding operations are required by USEPA to obtain a National Point Discharge Elimination System (NPDES) permit. USEPA considers a dairy a CAFO if it has more than 700 mature dairy cattle or has more than 300 dairy cattle and discharges directly into a stream. Maintaining surface water quality is the primary interest.

In California, USEPA has delegated enforcement of the NPDES permit requirement to the state and its Regional Water Quality Control Boards (Regional Boards). **Regional Board interpretation and enforcement of this permit requirement varies throughout the state.** However, dairy industry representatives have advised producers to seek NPDES permits from Regional Boards for their own protection against potential CWA violation enforcement directly by USEPA and against citizen initiated law suites.

Under terms of the permit, dairies must retain all contaminated surface water runoff resulting from storms up to and including the 25yr 24hr event. Monitoring, record keeping, and reporting requirements are usually included.

### 2. GOVERNING LAWS AND JURISDICTION

Federal Clean Water Act, Section 502(14)

### 3. NRCS RESPONSIBILITY/ASSISTANCE TO CLIENTS

NRCS field offices should consult with their local Regional Board to determine general NPDES and other manure management system requirements for their work area. NRCS manure management technical assistance should address all components of a manure management system with special emphasis on having manure/contaminated water collection and storage capable of retaining runoff from storms up to and including the 25yr 24hr event. Equally important is the development of an operational plan to ensure storage capacity is available throughout the rainy season.

### 4. PROCEDURES

If the need for specific permits is identified, NRCS will direct cooperating producers to the local Regional Water Quality Control Board (RWQCB) to make a final determination of the need for a permit and to initiate the permit process if appropriate.

### 5. EXHIBITS - None

### 6. REFERENCE WEB SITES

USEPA Office of Wastewater Management Fact Sheet: "NPDES Regulations Governing Management of Concentrated Dairy Cattle Feeding Operations", 1996  
<http://www.epa.gov/OWM/sectwqs.htm>

### 7. REFERENCES

USEPA Office of Wastewater Management, "Guide Manual On NPDES Regulations For Concentrated Animal Feeding Operations," EPA 833-B-95-001, December 1995

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## III-K. LOCAL ORDINANCES

### 1. INTRODUCTION (From 440-V-CPM, First Edition, June 1997)

A conservation plan is described in the National Planning Procedures Handbook as a record of the client's decisions and supporting information for treatment of a unit of land, or water as a result of the planning process, that meets Field Office Technical Guide (FOTG) quality criteria for each natural resource and takes into account economic and social considerations. The plan describes the schedule of operations and activities needed to solve identified natural resource concerns. NRCS is responsible for preparing conservation plans according to policy identified in the National Environmental Policy Act (NEPA), cultural resources, and other environmental concerns. It is the responsibility of the cooperator (landowner/producer) to ascertain and comply with state, and local laws and regulations. The NRCS development, or acceptance of a conservation plan, or design will not be deemed to constitute compliance with program, or regulatory requirements administered, or enforced by another agency.

### 2. GOVERNING LAWS AND JURISDICTION

- a. 440-V-Conservation Programs Manual (CPM), First Edition, June 1997 – Part 515.91 Conservation Planning General Information.
- b. National Watershed Manual, Part 501, Subpart 501C – Sponsors Responsibilities, 501.20.1.1 General Responsibilities.
- c. National Watershed Manual, Part 504 – Plan Formulation and Content, Figure 504-1 “Watershed Agreement for Water Resources Plans – Item 4.

### 3. NRCS RESPONSIBILITY/ASSISTANCE TO CLIENTS

Local landowners and project sponsors are responsible for meeting local ordinances. NRCS field offices will work with clients to assure that they are aware of their responsibilities in meeting local ordinances and acquiring all permits.

NRCS will meet with clients to assure that the plan continues to represent current conditions and will achieve the client's objectives. For complex projects, an interdisciplinary team may need to be established to work with the client. This activity may result in plan modification. Work with the client and stakeholders to develop an implementation strategy. The extent of the strategy will depend on the complexity of the plan to be implemented. The strategy will identify who, what, where, when, why, and how as appropriate.

Specific items to consider:

- Environmental requirements and documentation
- A detailed implementation schedule
- Funding programs and authorities, program or funding requirements, guidance, and procedures
- Permits
- Agreements, i.e. operation and maintenance, project, etc.
- Mitigation of lost environmental values
- Land rights
- Practice design, layout, installation, inspection, and certification, and contracting

### 4. PROCEDURES

The sponsors will obtain all necessary Federal, State, and local permits required by law, ordinance, or regulation for installation of the works of improvement.



**5. EXHIBITS** -None

**6. REFERENCE WEB SITES** (To be referenced by Field Office.)

**7. REFERENCES TO LOCAL PERMITS** (To be referenced by Field Office.)

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## SECTION IV

### EXAMPLES





## SECTION IV

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## SECTION IV - EXAMPLES

### 1. INTRODUCTION

Section IV of the California Environmental Handbook includes case studies and examples of various planning situations where the environmental process has been used. It may include conducting an Environmental Evaluation and preparation of an Environmental Assessment worksheet, Environmental Impact Statement, Endangered Species Act Section 7 Consultation, permitting process, or similar environmental actions.

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# USDA, NATURAL RESOURCES CONSERVATION SERVICE

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## IV-A. STREAMBANK WORK

### 1. INTRODUCTION

The following is an environmental assessment for a streambank stabilization and riparian enhancement project funded under the NRCS Environmental Quality Incentive Program (EQIP) – Forsythe Creek Watershed, Mendocino County. The project is a streambank stabilization project utilizing bioengineering techniques along with a riparian enhancement component to establish canopy along a reach of lower Forsythe Creek, a tributary of the Russian River in Mendocino County.

Insignificant short-term effects are expected during construction due to proximity of the low-flow channel with the stabilization/revegetation sites. If necessary, flow will be diverted away from construction site towards opposite bank to minimize turbidity and possible adverse effects to aquatic species and their habitat. Project implementation will incorporate appropriate BMP's to avoid any negative impacts to the aquatic habitat and protect all proposed or listed anadromous fish species. Please see the included BA and project specifications for this project.

### 2. EXHIBITS

IV-A-1 California Environmental Assessment Worksheet - Forsythe Creek

IV-A-2 Biological Assessment Threatened, Endangered, or Proposed Anadromous Fish For Stream Corridor Improvement Forsythe Creek, Mendocino County

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# CALIFORNIA ENVIRONMENTAL ASSESSMENT WORKSHEET

Date July 17, 2001

Client and/or Business Name: Landowner		
Purpose and Need Statement (Client Objective): To stabilize a 150' section of streambank and revegetate with willows.		
Description of Proposed Project: Project will be to construct a 150' brush mattress at the toe of an eroding streambank. The project will include the removal of a portion of an existing concrete pillow structure. 24" diameter toe rock will hold a mat of woven willows in place during the first season high flows. Total estimated fill is .59 cubic yards per linear foot.		
Treatment Unit: Farm #:	Tract #:	Field #:
Watershed: Forsythe Creek		
Name of Person(s) Completing Worksheet:		
<ul style="list-style-type: none"> <li>This worksheet is used to document the effects a proposed activity may have on natural, human, and cultural resources, in compliance with NEPA and NRCS NEPA Policy (General Manual 190, Section 410).</li> <li>Effects are documented in terms of: Short Term - those that occur during installation/construction; and Long Term - those that occur during and after the activity is finished. Onsite and offsite, positive and negative, and cumulative effects must be documented. If mitigation is proposed effects must be documented.</li> </ul>		
	Environmental Effects Element	Description of Effects
I.	SOIL:	
a.	Soil surface (e.g. disruptions, destruction of structure, displacements, compaction, deposition, removal of organic material, improvements)?	None
b.	Soil fertility?	None
c.	Unique geologic or natural physical features (e.g. covering, modification, partial destruction, protection, etc.)?	None
d.	Wind or water erosion of soils, or soil erodibility, either on or off site?	Yes. Project will reduce erosion of streambanks by an estimated 120 tons over 3 years.
e.	Siltation, deposition or erosion which may impact or modify the channel of a river, stream, ocean shoreline, or other water?	Yes. Long term effect will be to reduce siltation of the creek by stabilizing the eroding streambank. Some localized turbidity may be evident during construction period only.
f.	Exposure of people or property to geologic hazards such as landslides, mudslides, subsidence or similar hazards?	None
g.	Number of acres of prime &/or unique cropland?	None
h.	Other?	None
II.	WATER:	
a.	Stream channel dimension, pattern, and/or slope (including down stream impacts)?	Stream channel cross section will be altered by sloping vertical banks to 2:1 slope. Project does not modify 2 year flow channel.
b.	Surface water infiltration rates, drainage patterns, velocities and/or volumes?	Project will reduce surface water velocity on a 150' streambank reach.
c.	Quality or quantity of discharge into surface waters, including, but not limited to temperature, nutrients, bacteria, or turbidity?	Rock rip rap will be placed at the toe of the slope and will not exceed .59 cubic yards per linear foot. Rock will be quarried 24" diameter.
d.	Quantity of ground waters through either direct additions/withdrawals or interception of aquifers?	None
e.	Ground water quality?	None
f.	Amount of water available for public use?	None
g.	Exposure of people or property to flooding?	None
h.	Other?	None

	<b>Environmental Effects Element</b>	<b>Description of Effects</b>
III.	<b>AIR:</b>	
a.	Air quality?	None
b.	Odors?	None
c.	Other?	None
IV.	<b>PLANTS:</b>	
a.	Diversity of species, or numbers of any plant species (upland, riparian, wetland, etc.)?	Project will increase the amount of riparian vegetation by incorporating live plantings with rock structure.
b.	Numbers or health & vigor of any unique, species of concern, rare, threatened or endangered plants?	None
c.	Normal recruitment of existing, native species?	Project will increase recruitment of native species by stabilizing the streambank and offering suitable medium for plant growth.
d.	Other?	None
V.	<b>ANIMALS:</b>	
a.	Diversity of species, or numbers of any species of animals (birds, mammals, fish, invertebrates)?	Project will improve habitat for anadromous fish species by reducing sedimentation and increasing riparian canopy.
b.	Unique, species of concern, rare, threatened, or endangered animals (review T&E lists)?	Project benefits threatened species: steelhead and coho salmon.
c.	Native animals (migration barriers, competition from non-natives, etc.)?	Project benefits native animal habitat.
d.	Existing fish & wildlife habitat or critical habitat (nesting, spawning, etc.)?	Project benefits critical fish habitat by reducing stream temperatures and erosion inputs into spawning grounds.
e.	Human activity during sensitive life stages (nesting, spawning, etc.)?	None
f.	Other?	None
VI I.	<b>OTHER HUMAN CONSIDERATIONS:</b>	
a.	Noise levels?	None
b.	Present or planned land uses?	None
c.	Aesthetic resource, scenic value, or natural area?	Project increases aesthetic values by replacing concrete structure with native vegetation.
d.	Recreational opportunities?	None
e.	Public health and safety?	None
f.	Public interest related to the site or watershed?	None
g.	Economic impacts to the clients, landowners, or public?	Project reduces negative economic impacts by protecting valuable land from erosion.
h.	Client well being?	Reduced land lose to erosion and improvement of resources should be of benefit to landowner.
i.	Environmental justice?	None
J.	Other?	None

**SPECIAL ENVIRONMENTAL CONCERNS:** Check each category. If the effect is adverse or positive to any of the following, explain in the notes section or on an attachment. . Under **Present** indicate **Yes** or **No**. For **Cultural Resources** purposes, if the activity is an "Undertaking", separate primary documentation is required. For other **Concerns** supplemental documentation may be required.

Concerns	NRCS Policy Procedure	Present	Positive/Adverse Effect
<b>Threatened or Endangered Species</b> (To ensure actions do not jeopardize T&E species)	190 GM- 410.22 , California Endangered Species Handbook	Yes	Improve habitat for salmon and steelhead.
<b>Natural Area</b> (To recognize and consider impacts when planning and recommending actions adjacent to nearby Natural Areas)	190 GM 410.23	Yes	Improve natural area for salmon and steelhead.
<b>Landscape Resource</b> (To preserve and enhance scenic beauty or improve landscape)	190 GM 410.24	Yes	Project will increase riparian vegetation & improve scenery.
<b>Floodplain Management</b> (To conserve, preserve and restore existing natural and beneficial values of floodplains)	190 GM 410.25	Yes	Will increase riparian veg, improve stream habitat & restore floodplain health.
<b>Wetland</b> (To protect, maintain and restore wetland functions and values)	190 GM 410.26, NFSA Manual	Yes	Will restore riparian wetlands.
<b>Stream Channel Modification</b> (To maintain and restore streams, wetlands and riparian vegetation as functioning parts of a viable ecosystem)	190 GM 410.27-28	Yes	Will restore riparian vegetation.
<b>Riparian Area</b> (To protect, maintain, and restore riparian areas)	190 GM 411 vegetation.	Yes	Will increase riparian
<b>Prime and Unique Farmland</b> (To minimize unnecessary and irreversible conversion of farmland to non agricultural use)	310 GM 403	No	
<b>Cultural Resources</b> (To preserve and prevent the destruction or degradation of cultural resources, including historical archaeological sites and traditional cultural places)	420 GM 401	No	
<b>Coastal Zone Management Area</b> (To ensure conservation of coastal resources)	Federal Register 6/25/99, PL 92-583	No	
<b>Wild and Scenic River</b> (Consideration of impacts when actions affect areas adjacent to Wild and Scenic Rivers)	Federal Register 9/7/82, p. 39454	No	
<b>Special Aquatic Site</b> (To protect, restore and maintain special aquatic sites)	Federal Register 12/24/80 EPA 404(b)(1) 230.3 & 230.10	Yes	Improve habitat for salmon & steelhead.
<b>Essential Fish Habitat</b> (To conserve and enhance fish habitat for salmon, shellfish, marine fish)	50 CFR 600.905-930 Federal Register 12/19/97 initiated with NMFS.	Yes	Improve habitat for salmon & steelhead; ESA Section 7

## OTHER CONSIDERATIONS

Documentation of the following questions can be completed here.

- a. If wetland impacts are proposed, conduct a wetland determination and complete the NRCS minimal effects procedure per the Food Security Act Manual. Make certain that the client contacts the US Army Corps of Engineers to determine the need for a Permit under Section 404 of the Clean Water Act and Section 10 Rivers and Harbors Act and the Regional Water Quality Control Board for Section 401 Clean Water Act certification.

Permits being obtained.

- b. If a stream, lake or other water body is involved the client should contact the California Department of Fish and Game for a Section 1600 Stream Alteration Agreement.

Landowner received 1603 and 401 permits.

c. Document mitigation planned or required to avoid, minimize, or compensate for negative impacts:

None

d. Document communications with USFWS, NMFS, Corps of Engineers, EPA, CDFG, RWQCB, NRCS Biologist, etc.  
Conducted Section 7 consultation with NMFS. Submitted pre-construction notification to Corps of Engineers under Nationwide Permit 27. Conducted field review and biological assessment with NRCS fisheries biologist and CDFG fisheries biologist. Landowner received 1603 and 401 permits.

e. Discuss any **Cumulative Effects** (beneficial or adverse):

None known

f. Alternatives to Proposed Action that were considered (include reasons why alternative was not selected):

1. No Action: Continued accelerated erosion, negative impacts to fish habitat.

2. Replace entire concrete pillow structure: Cost prohibitive.

g. Remarks or Other Considerations:

None

**RECOMMENDATION (check one)**

☒ Based upon the conclusions below, I find that this action will not have significant adverse impacts on the quality of the human environment. No further environmental analysis is required. The assessment indicates work should proceed.

☐ Further analysis is necessary, including the possible need to prepare an Environmental Impact Statement or a Finding Of No Significant Impact. The landowner will be informed not to proceed until further assessment is completed.

h. Conclusions, based upon the assessment (rational for the findings above):

Biological and geomorphic evaluations suggest that the proposed project should be implemented to reduce erosion and increase riparian vegetation for fish habitat improvement.

Signature (Planner) <i>Planner</i>	Title Soil Conservationist	Date 7/17/01
---------------------------------------	-------------------------------	-----------------

Reviewed/Concurred By <i>District Conservationist</i>	Title District Conservationist	Date 7/18/01
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**BIOLOGICAL ASSESSMENT**  
**THREATENED, ENDANGERED, OR PROPOSED ANADROMOUS FISH FOR**  
**STREAM CORRIDOR IMPROVEMENT FORSYTHE CREEK, MENDOCINO COUNTY**

## **I. INTRODUCTION**

The proposed stream corridor improvement project on the "landowners" property to improve riparian conditions along Forsythe Creek has been approved for funding under the Natural Resources Conservation Service **Environmental Quality Incentives Program (EQIP)** through the NRCS Ukiah Field Office. Implementation of the project is scheduled for late summer of 2001. The proposed project has been designed with input from CA Dept. Fish and Game biologists, NRCS stream morphologist, and NRCS fisheries biologist whose recommendations are consistent with CDF&G habitat restoration standards and guidelines as described in the **California Salmonid Stream Habitat Restoration Manual**.

## **II. CONSULTATION TO DATE**

On Sept. 26, 2000, an NRCS planning team led by Carol Mandel, Ukiah Field Office Conservationist, met with NMFS representative, Tom Dougherty, at the project site on lower Forsythe Creek. Also present was the landowner/cooperator, "landowner". Purpose and desired outcome of the project were discussed among the group.

NMFS had no major concerns if project implementation occurred during appropriate time of year and construction activities followed specified protective measures to minimize or eliminate possible impacts to the aquatic environment. Project design also incorporates recommendations made by Mr. Dougherty of NMFS.

## **III. DESCRIPTION OF PROPOSED ACTION**

Detail construction plans have been developed and are attached. For any clarification please contact John Bennett, Ukiah F.O. Engineer @ 707-468-9223.

## **IV. SPECIES ACCOUNTS**

Information regarding utilization of the West Fork of the Russian River and Forsythe Creek by anadromous salmonids is available from Bob Coey – CDF&G Russian River Unit biologist. During periods of adequate surface flows, these streams may be important migration corridors for adult anadromous species, predominantly steelhead, enroute to spawning grounds in the upper watershed or for juvenile salmonids migrating downstream. There is minimal juvenile rearing habitat within this lower reach of Forsythe Creek during the summer months due to poor water quality conditions (i.e. elevated water temp., minimum surface flows).

## **V. EFFECTS OF THE PROPOSED PROJECT**

Anadromous fish should not be present in the channel when work is scheduled to occur. Besides some potential short term negative impacts during construction, the existing channel and aquatic habitat values will not be diminished by the project. Construction activities will occur at low flows (< 2 cfs). All necessary BMP's will be implemented to assure that no sediment from construction activities will enter the watercourse. If stream flow is to be relocated to opposite bank during the restoration project, aquatic surveys will be performed by a NRCS biologist to verify presence or absence of species of concern (salmonids) within the construction zone of the project. Appropriate action will be taken for protection of these species, if present. Appropriate action could be 1.) avoidance of the wetted channel during construction, but if not feasible, 2.) trap and remove all species of concern to suitable upstream habitat prior to any channel disturbance.

Long term impacts will be beneficial to the aquatic habitat as the cumulative effects from this type of activity should lead to improved riparian/channel conditions. As more landowners in the Forsythe Creek Watershed utilize EQIP and other programs aimed at improving watershed health, a positive response can be expected from the natural resources within that watershed.

## **VI. DETERMINATION**

Based on the location and potential short and long term effects of this proposed action, the EQIP project on the "landowners" property along Forsythe Creek is not likely to adversely affect any anadromous fish species or their habitat (NLAA).

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## IV-B. ELKHORN SLOUGH WATERSHED (PERMIT COORDINATION PROGRAM)

### 1. INTRODUCTION

The Elkhorn Slough Watershed Permit Coordination Program was established in the fall of 1998 when six local, state and federal agencies entered into watershed-based agreements with the USDA Natural Resources Conservation Service and the Resource Conservation District of Monterey County for natural resource conservation projects in the Elkhorn Slough Watershed in northern Monterey County. The Program permits NRCS and the RCD to provide farmers and land managers with design and construction specifications for resource enhancing projects utilizing 10 pre-approved conservation practices. Special conditions on the timing, location, and method of installation are included in the plans provided to the participants to avoid or mitigate negative impacts on water quality and sensitive species and habitats.

Fifteen projects were completed in 1998, the first year of the project. All of the projects installed in 1998 are performing as planned with minor maintenance on a few projects. In 2000, these projects continued to prevent an estimated 4,457 cubic yards of sediment from being transported downstream (see Table 1 below). In 1999, nine new projects were completed and a total of 14 conservation practices were used alone, or in combination, to capture upland agricultural erosion, stabilize gullies, and protect eroding streambanks at the project sites. After one year, the 1999 projects continued to prevent an estimated 2,348 cubic yards of sediment from being transported downstream into riparian and wetland habitats.

In the fall of 2000, two additional conservation projects were completed, raising the total number of completed projects to 26 during the first three years of the program. Fewer projects were installed in 2000 due to staffing vacancies and reduced ability to complete complex hydrologic designs.

As a result of projects implemented during the first three years of the project, an estimated 24,899 cubic yards (33,613 tons) of soil have been prevented from washing downstream into the sensitive wetlands of Elkhorn Slough. This is equivalent to a line of full sized pick-up trucks carrying soil and parked end to end from Salinas to Oakland (102 miles)!

**Table 1: Summary of Permit Coordination Program Results**

Project Year	# of Projects	Reduction in Sediment Transported Downstream			
		1998 benefits (cu.yds.)	1999 benefits (cu.yds.)	2000 benefits (cu.yds.)	Cumulative benefits (cu.yds.)
1998	15	8,898	1,623	4,457	14,978
1999	9	--	5,288	2,348	7,636
2000	2	--	--	2,285	2,285
<b>Totals:</b>	<b>26</b>	<b>8,898</b>	<b>6,911</b>	<b>9,090</b>	<b>24,899</b>

The Permit Coordination Program continues to alleviate the disincentive farmers and land managers feel when considering the regulatory review and permitting process when they wish to restore or enhance natural resource conditions on their property. In 1999, the program facilitated the installation of six water and sediment control basins on agricultural lands, and the restoration and enhancement of 1,850 feet of stream channel. Without the Permit Coordination Program, these projects would either not have been attempted, or would have been done without any form of agency guidance or oversight. The Program provides land managers with an alternative to the time-consuming process of multiple permit applications and ensures that they utilize the natural resource conserving practice standards of the NRCS and the RCD.

### 2. PROJECT BACKGROUND

The Natural Resources Conservation Service (NRCS), and Sustainable Conservation Foundation, a non-profit environmental organization, worked in concert to design this innovative program to offer “one stop regulatory shopping” to land managers willing to implement conservation practices that result in net environmental benefits. The program is available to farmers and ranchers in the Elkhorn Slough Watershed who voluntarily seek to reduce agricultural run off and protect natural resources on their lands.



Ten conservation practices recommended by the Department of Agriculture and the Environmental Protection Agency have been conditioned and authorized in advance by the participating federal, state and local agencies (see Table 2) through multiple watershed-based permits issued to the NRCS and Resource Conservation District of Monterey County. Any farmer receiving technical and/or cost share assistance from the NRCS can now implement the practices without the need to seek individual project permits. NRCS assists in project design and monitors implementation and maintenance of the practices to ensure performance in conformance with the conditions of the permits.

**Table 2: Participating Agencies and Form of Agreement**

<b>Agency</b>	<b>III. Regulatory Agreement</b>
United States Army Corps of Engineers	Section 404 Regional Permit
United States Fish and Wildlife Service	Programmatic Biological and Conference Opinion and Avoidance Measures
California Coastal Commission	Federal Consistency Review
California Department of Fish and Game	1601 Streambed Alteration Memorandum of Understanding
Regional Water Quality Control Board	Section 401 Certification
County of Monterey	Erosion and Grading Ordinance Exemptions

This program removes an institutional disincentive to improved land management. Farmers are always seeking ways to improve the value and productivity of their land and protect their investment in their crops but often hesitate to adopt changes that introduce uncertainty or could negatively affect the economic return on their operations. Voluntary, proactive partnerships on private property to install conservation practices have been limited by fear among many landowners that government regulatory review will be complex, costly and time-consuming.

Typical agency review processes intended to protect natural values can act as disincentives to voluntary initiatives to reduce non-point source pollution and enhance habitat. Most farmers will continue with current land use practices if the time and financial costs of seeking governmental approvals exceed the perceived benefits of engaging in conservation activities. The challenge identified in the Elkhorn Slough watershed was to find a way to both provide incentives and overcome the disincentives to good land management.

The one stop regulatory shopping program, combined with the ongoing technical and financial assistance programs of NRCS and the RCD, effectively removes disincentives and provides incentives for voluntary enhancement and sustainable management of agricultural and natural resources in the Elkhorn Slough Watershed. Each of the agencies involved in this interagency coordination effort deserves recognition for creating an efficient watershed-level review process that is easy for farmers to use while ensuring the integrity of the agency resource protection and environmental quality mandates.

#### **4. PROCEDURES**

Each cooperator signs a Cooperator Agreement (Exhibit IV-B-1). The Project Management Checklist (Exhibit IV-B-2) identifies the steps the NRCS planner must complete to comply with the permit conditions. The Project Management Checklist is used to document required environmental evaluation because environmental clearance was made for the entire project area, therefore, the Environmental Assessment Worksheet is not necessary. Field staff utilize the CA-CPA-Worksheet Checklist of Resource Problems or Concerns for additional environmental compliance. The Salinas field office also has a 30 page Procedures Guidebook that provides more detail on the process.

#### **5. EXHIBITS**

IV-B-1 Cooperator Agreement

IV-B-2 Project Management Checklist

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# COOPERATOR AGREEMENT

## TERMS OF ASSISTANCE AND NOTIFICATION REGARDING

THE PROCEDURES FOR CONFORMANCE WITH MULTIPLE PERMITS

between the

UNITED STATES DEPARTMENT OF AGRICULTURE - NATURAL RESOURCES CONSERVATION SERVICE

and the

RESOURCE CONSERVATION DISTRICT OF MONTEREY COUNTY

and the following Cooperator(s):

Property

Owner: \_\_\_\_\_ Address: \_\_\_\_\_  
 \_\_\_\_\_ Zip: \_\_\_\_\_

Operator: \_\_\_\_\_ Address: \_\_\_\_\_  
 \_\_\_\_\_ Zip: \_\_\_\_\_

Contractor: \_\_\_\_\_ Address: \_\_\_\_\_  
 \_\_\_\_\_ Zip: \_\_\_\_\_

Property Location: \_\_\_\_\_  
 (Assessor's Parcel Number, street address, or narrative description: see attached map)

USDA Tract #: \_\_\_\_\_ Photo No: \_\_\_\_\_ Quad Sheet: \_\_\_\_\_

Acres: \_\_\_\_\_ Major Land Use: \_\_\_\_\_  
 (Orchard, Row Crops, Range, Woodland, etc.)

This agreement is freely entered into by the United States Department of Agriculture, Natural Resources Conservation Service and the Resource Conservation District of Monterey County for the Elkhorn Slough Watershed Project, referred to hereinafter as the "**Project**", and the "**Cooperator(s)**" identified above.

THE PROJECT AGREES TO FURNISH INFORMATION, TECHNICAL and/or OTHER ASSISTANCE (as may be available) TO:

1. Help solve conservation problems;
2. Assist in the design, installation and monitoring of appropriate conservation practices,
3. Offer the Cooperator the coverage of multiple permits which provide for the design, installation and monitoring of specified conservation practices under the Project as issued by the public agencies including: Department of the Army, Corps of Engineers; United States Fish and Wildlife Service; California Coastal Commission; California Department of Fish and Game; Regional Water Quality Control Board; and County of Monterey Planning Building and Inspection Department.
4. Provide the Cooperator with information and support from qualified Project staff to answer questions regarding the procedures for the design, installation and monitoring of the conservation practices in terms of the specific protective measures to be followed to avoid or minimize the impacts of projects to natural resources and water quality.

THE COOPERATOR(S) AGREES:

1. To fully conform with the procedures for the design, installation and monitoring of the conservation practices developed by the Project with the aforementioned public agencies under their various permitting authorities. These procedures are documented in the conservation plan, design and construction and maintenance specifications provided to the Cooperator by the NRCS and RCD.
2. To allow the NRCS and RCD to include information about the benefits of the project in an annual report provided to the participating regulatory agencies.

IT IS AGREED THAT:

1. The Project assumes no responsibility for the legal establishment of any property acreages, boundary lines or water rights,
2. Generally, it is the responsibility of the Cooperator to obtain all necessary permits and pay associated costs in order to comply with all laws and ordinances. The Conservation Plan implemented under this agreement with the Natural Resources Conservation Service's and the Resource Conservation District of Monterey County's Elkhorn Slough Watershed Project provides the Cooperator with coverage for the permits checked off below:
  - ☐ Federal Consistency Review complies with the Federal Coastal Zone Management Act, the National Environmental Policy Act, the California Coastal Act, the Local Coastal Plan for North Monterey County, the Grading and Erosion Control Ordinances, County of Monterey, issued by the California Coastal Commission, Santa Cruz, CA.
  - ☐ Regional Permit complies with Section 404 of the Clean Water Act, issued by the U.S. Army Corps of Engineers, San Francisco, CA.
  - ☐ Waste Discharge Waiver complies with Section 401 of the Clean Water Act, issued by the Regional Water Quality Control Board, Region II, San Luis Obispo, CA.
  - ☐ Streambed Alteration Agreement complies with Section 1601 of the Fish and Game Code, issued by the California Department of Fish and Game, Monterey, CA.
  - ☐ Potential impacts on historic or archeological sites covered by the Programmatic Agreement (PA) between the Advisory Council on Historic Preservation and the National Council of State Historic Preservation Officers and NRCS, Washington, DC.
  - ☐ Letter of Concurrence complies with the Federal Endangered Species Act for plant and animal species in upland areas, issued by the United States Fish and Wildlife Service, Ventura, CA.
  - ☐ Biological opinion and incidental take statement complies with the Federal Endangered Species Act for plants and animals in wetland and riparian areas, issued by the United States Fish and Wildlife Service, Ventura, CA.
3. If the Cooperator or their agents (e.g. contractors, labor) do not carry out work consistent with the procedures for the design, installation and monitoring of the conservation practices covered by the permits with the public agencies indicated in #2 above, the Project shall notify the Cooperator and work directly with them to resolve the problem. If the Cooperator still fails to conform, the Project shall notify the Cooperator that their activities are inconsistent with the procedures contained in permits and that the Cooperator's actions are no longer covered by the permits. The Project shall have no further responsibility to enforce the conditions and shall not be held responsible as the permittee. The Cooperator shall be held directly liable for all violations and will have to individually obtain all necessary permits and/or rights, and to comply with all law and ordinances.
4. This request shall become effective on the date of the last signature until either party gives notice to the contrary. It will be automatically canceled when the Cooperator ceases to have a legal interest in the land.

\_\_\_\_\_  
COOPERATOR(S)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Resource Conservation District of Monterey County

\_\_\_\_\_  
Date

\_\_\_\_\_  
United States Department of Agriculture,  
Natural Resources Conservation Service

\_\_\_\_\_  
Date

## **Project Management Checklist**

### **Elkhorn Slough Watershed Permit Coordination Program**

Name of Cooperator: \_\_\_\_\_ Location of Activity: \_\_\_\_\_

#### **Site Evaluation to Determine if Work Requires Permit** [See Section II]

- ☐ Check if Endangered Species habitat is present in work area
- ☐ Identify potential wetlands in work area.  
If needed get landowner approval (CPA-38) Date received: \_\_\_\_\_  
If needed, perform Wetland Delineation. Date: \_\_\_\_\_ By: \_\_\_\_\_
- ☐ Confirm no trees larger than 6" dbh will be removed
- ☐ Research potential for Cultural Resources
- ☐ Document pre-construction conditions with 'before' photos

#### **Selection of Conservation Practices and Design** [See Section III]

- ☐ Check if grading over 100 cubic yards is required
- ☐ Confirm that the design of practices meets the conditions of Watershed Permit
- ☐ Meet with DFG in June to review projects affecting streams, waterways, and wetlands
- ☐ Complete Conservation Plan and Engineering Docket (if needed)

#### **Delivery of Plan and Construction Procedures** [See Section IV]

- ☐ Send Pre-Construction Notification to required agencies. Date sent: \_\_\_\_\_
- ☐ Deliver construction and maintenance procedures to Cooperator
- ☐ Have Cooperator Agreement signed. Date: \_\_\_\_\_
- ☐ Complete pre-construction survey if sensitive habitat is present. Date: \_\_\_\_\_ By: \_\_\_\_\_
- ☐ Perform onsite monitoring if required
- ☐ Meet November 1 work cutoff date or seek extension from DFG, FWS, and County.  
Extensions obtained: \_\_\_\_\_

#### **Project Completion** [See Section IV]

- ☐ Perform post-construction site inspection
- ☐ Photo documentation with 'after' photos

Project completed according to plan and permit conditions:

Signature of NRCS representative: \_\_\_\_\_ Date: \_\_\_\_\_

#### **Follow Up Inspections**

- ☐ First annual inspection completed: Date: \_\_\_\_\_ By: \_\_\_\_\_
- ☐ Second annual inspection completed: Date: \_\_\_\_\_ By: \_\_\_\_\_
- ☐ Third annual inspection completed: Date: \_\_\_\_\_ By: \_\_\_\_\_
- ☐ Fourth annual inspection completed: Date: \_\_\_\_\_ By: \_\_\_\_\_
- ☐ Fifth annual inspection completed: Date: \_\_\_\_\_ By: \_\_\_\_\_

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## IV-C. UPPER STONY CREEK WATERSHED PROJECT

### (Land Treatment, Environmental Assessment & Finding of No Significant Impact/Negative Declaration)

#### 1. INTRODUCTION

The purpose of the Upper Stony Creek Watershed Project, a land treatment project, is to install practices to reduce soil erosion and sustain agricultural production including deferred grazing, stockwater developments, and fencing to improve grazing distribution and plant cover on heavily utilized rangeland. Gullies in rangeland and those associated with access roads will be treated with grade stabilization structures, shaping, and seeding. Banks along Stony Creek and tributary streams will be treated and stabilized by revegetating with trees and shrubs. Plant species diversity and soil cover will be increased by range seeding and fertilization. Soil aeration and forage production will be improved by grazing land mechanical treatment which will also reduce excess soil and water loss. Prescribed burning in the extensive brushlands will reduce catastrophic wildfire hazards. An Environmental Assessment was prepared for the project, which led to filing of a Finding Of No Significant Impact (FONSI)/Negative Declaration (ND). Individual projects on lands within the watershed project area requires preparation of an Environmental Assessment Worksheet (also known as Environmental Evaluation Worksheet in earlier stages of the project).

#### 2. SUMMARY OF WATERSHED PLAN

**Project Name:** Upper Stony Creek Watershed

**Counties:** Colusa, Glenn, and Lake      **State:** California

**Field Offices:** Willows and Colusa

**Sponsors:** Glenn County Resource Conservation District and Stonyford Resource Conservation District

##### Resource Information:

	<u>Total</u>	Private <u>(Treated)</u>
Size of Watershed (Ac)	243,200	75,300
Land Use - Cropland (Ac)	3,800	3,800
- Rangeland (Ac)	8,900	7,700
- Forest Land (AC)	116,900	49,300
- Other Land (Ac)	110,600	14,500
(Brushland)		
- Water (Ac)	3,000	--

Land Ownership: Private - 30 percent    Public - 70 percent

Number of Farms: 112;    Average Size: 800 acres

Important Farmland: Cropland - 3,800 acres

Wetlands: Not inventoried

Floodplains: Not inventoried

Endangered Species: Bald eagle - No Effect

Cultural Resources: Potential sites - No known effect

**Problem Identification:** Major problems include accelerated sheet, rill, gully, and streambank soil erosion, increased runoff due to inadequate dry matter on range and forest lands, potentially high erosion rates in decadent brushland, and deteriorating wildlife habitats.

**Project Purpose(s):** Soil erosion reduction to sustain agricultural production.

**Estimated Contracts:** Long term contracts are estimated to include 62 farms/ranches.

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**Principal Project Measures:** Land treatment measures include

- 59 miles of fencing
- 6,270 acres of deferred grazing
- 4,235 acres of prescribed burning
- 4,700 acres of range seeding and fertilization
- 49 miles of access road improvement
- 19 ponds and
- 23 spring developments

<b>Project Costs:</b>	<u>PL-566 Funds</u>	<u>Other Funds</u>	<u>Total</u>
Land Treatment Measures			
Project Administration	\$ 55,400	\$ 5,000	\$ 60,400
Technical Administration	302,000	--	302,000
Installation	<u>822,600</u>	<u>563,100</u>	<u>1,385,700</u>
Total	\$1,180,000	\$568,100	\$1,748,100

<b>Project Benefits:</b>	<u>Dollars</u>	<u>Percent</u>
Damage Reduction		
Sediment Yield to Reservoirs	\$ 2,600	2
Wildfire Suppression Costs	7,400	3
Access Road Maintenance	2,000	1
Land Voiding	600	-
Intensification Production	<u>192,600</u>	<u>94</u>
Total	\$205,200	100

**Acres Benefited:** 51,300 acres

**Impacts:**

Land Use Changes: None  
Natural Resources Changed or Lost: None  
Sediment Reduction to Reservoirs: 29,860 tons annually  
Major Reduction in Erosion Rates

**Effects of the Selected Plan:** The Environmental Assessment discusses many of the impacts that would result from the installation of this plan are interrelated and are therefore difficult to categorize and, in some cases, to quantify. Impacts are therefore described under four main headings: erosion reduction, sediment and water quality, biological (includes range improvement measures, water development, brush management, oak woodland management, and endangered and threatened species), and socio-economic effects. There is discussion of Significant Unavoidable Adverse Environmental Impacts, Irreversible and Irrecoverable Commitment of Resources, Short-term Versus Long-term Use of Resources, and Relationship to Land and Water Plans, Policies and Controls.

**Conclusion:** Except for temporary and short-term negative effects, the selected plan will generally have positive impacts on resources found in the watershed of principal national recognition (Table 1) and will reduce soil erosion and enhance related resources within a shorter time period.

Implementation of the selected plan will also result in positive impacts in each of the major landuse/vegetation types. Most of the economic, environmental, and social concerns which were rated as having medium to high significance in decision-making will be significantly and positively modified.

### 3. EXHIBITS

IV-C-1 California Environmental Assessment Worksheet for Upper Stony Creek Landowner

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Table 1. Effects of the Selected Plan on Resources of Principal National Recognition.

Types of Resources	Principal Sources of National Recognition	Measurement of Effects
Air Quality	Clean Air Act, as amended (42 USC 185 <sup>th</sup> -7 et seq.)	The prescribed burn program (7,700 acres) will reduce air quality hazards from high intensity wildfires in the long-term. In the short-term, there will be some temporary air quality deterioration.
Areas of Particular Concern Within the Coastal Zone	Coastal Zone Management Act of 1972, as amended (16 USC 451 et seq.)	Not present in planning area.
Endangered and Threatened Species Critical Habitat	Endangered Species Act of 1973, as amended (16 USC 1531 et seq.)	Not present in planning area.
Fish & Wildlife Habitat	Fish and Wildlife Coordination Act (16 USC 661 et seq.)	Long-term improvement.
Floodplain	Executive Order 11988, Floodplain Management	Prescribed burn and deferred grazing programs will reduce short-term catastrophic sediment loads.
Historic and Cultural Properties	National Historic Preservation Act of 1966, as amended, (16 USC, Sec. 470 et seq.)	Present in planning area and will be required on a site specific basis as defined in individual conservation plans and agreements.
Prime and Unique Farmland	CEQ Memorandum of August 1, 1980: Analysis of Impacts on Prime Or Unique Agricultural Lands in Implementing the National Environmental Policy Act	No effect.
Water Quality	Clean Water Act of 1977 (33 USC 1251 et seq.)	Reduced turbidity as well as reduced phosphorus and nitrogen levels in reservoirs.
Wetlands	Executive Order 11990, Protection Of Wetlands, Clean Water Act of 1977 (42 USC 1857h-7 et seq.)	1,000 feet of streambank revegetation will improve the riparian and wetlands communities.
Wild & Scenic Rivers	Wild and Scenic Rivers Act, as Amended (16 USC 1271 et seq.)	Not present in planning area.

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# CALIFORNIA ENVIRONMENTAL ASSESSMENT WORKSHEET

Date September 25, 2000

Client and/or Business Name: Upper Stony Creek Landowner		
Purpose and Need Statement (Client Objective): Develop ranch plan to conserve and wisely use natural resources.		
Description of Proposed Project: Establish grazing management plan and supporting conservation practices.		
Treatment Unit: Farm #:	Tract #:	Field #: All fields
Watershed: Upper Stony Creek and Sacramento-Stone Corral		
Name of Person(s) Completing Worksheet: Loretta J. Metz		
<ul style="list-style-type: none"> <li>This worksheet is used to document the effects a proposed activity may have on natural, human, and cultural resources, in compliance with NEPA and NRCS NEPA Policy (General Manual 190, Section 410).</li> <li>Effects are documented in terms of: Short Term - those that occur during installation/construction; and Long Term - those that occur during and after the activity is finished. Onsite and offsite, positive and negative, and cumulative effects must be documented. If mitigation is proposed effects must be documented.</li> </ul>		

	Environmental Effects Element	Description of Effects
I.	SOIL:	
a.	Soil surface (e.g. disruptions, destruction of structure, displacements, compaction, deposition, removal of organic material, improvements)?	No effects in short term. Positive effects in long term ... reduced compaction; improved organic matter & nutrient cycling; reduced erosion.
b.	Soil fertility?	No effects.
c.	Unique geologic or natural physical features (e.g. covering, modification, partial destruction, protection, etc.)?	No effects.
d.	Wind or water erosion of soils, or soil erodibility, either on or off site?	Short term may increase erosion by water during construction only. Long term is positive effects.
e.	Siltation, deposition or erosion which may impact or modify the channel of a river, stream, ocean shoreline, or other water?	Natural system has erosion/deposition cycles. None of the planned practices will accelerate those natural cycles. Long term positive effects may buffer the frequency/duration of natural system events.
f.	Exposure of people or property to geologic hazards such as landslides, mudslides, subsidence or similar hazards?	No effects.
g.	Number of acres of prime &/or unique cropland?	No prime farmland or unique cropland. No effects.
h.	Other?	None.
II.	WATER:	
a.	Stream channel dimension, pattern, and/or slope (including down stream impacts)?	No effects to the stream channel morphology. Positive long term effects to stream vegetation.
b.	Surface water infiltration rates, drainage patterns, velocities and/or volumes?	Improved long term ability for streams to capture, hold, and slowly release waters. Also improved buffering of flood waters.
c.	Quality or quantity of discharge into surface waters, including, but not limited to temperature, nutrients, bacteria, or turbidity?	Quality of water discharged is expected to increase – less sediment; less nutrients, although they are currently undetectable. Quantity of water expected to increase through on-site catchment.
d.	Quantity of ground waters through either direct additions/withdrawals or interception of aquifers?	There is one well planned, but water extracted from ground is for livestock use and is minimal. Aquifer should have no problem recharging.
e.	Ground water quality?	Quality of existing wells is good. No negative effects anticipated.
f.	Amount of water available for public use?	None.
g.	Exposure of people or property to flooding?	Minimal, and the plan does not change that natural process possibility.
h.	Other?	None.

	<b>Environmental Effects Element</b>	<b>Description of Effects</b>
III.	<b>AIR:</b>	
a.	Air quality?	No negative effects.
b.	Odors?	None.
c.	Other?	None.
IV.	<b>PLANTS:</b>	
a.	Diversity of species, or numbers of any plant species (upland, riparian, wetland, etc.)?	Long term positive effects on species diversity and number of species. This includes upland and riparian plants. No wetlands.
b.	Numbers or health & vigor of any unique, species of concern, rare, threatened or endangered plants?	There are no T&E species that have been observed on the ranch. Health & vigor of desirable species is expected to improve in long term.
c.	Normal recruitment of existing, native species?	Expecting long term positive results in the numbers and vigor of the few native perennial grasses.
d.	Other?	None.
V.	<b>ANIMALS:</b>	
a.	Diversity of species, or numbers of any species of animals (birds, mammals, fish, invertebrates)?	Appears to be somewhat diverse currently. With plan, diversity is expected to increase, especially in bird and invertebrate populations.
b.	Unique, species of concern, rare, threatened, or endangered animals (review T&E lists)?	No T&E species observed. No negative effects to habitat are anticipated.
c.	Native animals (migration barriers, competition from non-natives, etc.)?	No negative effects. The “migration barriers” would be the biggest issue, but all fences established are wildlife friendly. Also, no true migration corridors have been observed.
d.	Existing fish & wildlife habitat or critical habitat (nesting, spawning, etc.)?	No negative effects.
e.	Human activity during sensitive life stages (nesting, spawning, etc.)?	No negative effects.
f.	Other?	Domestic grazing animal health & productivity is expected to increase through implementation of this plan.
VI.	<b>OTHER HUMAN CONSIDERATIONS:</b>	
a.	Noise levels?	Minimal noise during construction activities.
b.	Present or planned land uses?	No change to present land use. Planned land use is rangeland with no negative effects.
c.	Aesthetic resource, scenic value, or natural area?	These are incredible resources on the ranch. This plan will enhance them in short and long term.
d.	Recreational opportunities?	Excellent recreation opportunities. No negative effects are anticipated.
e.	Public health and safety?	No effects.
f.	Public interest related to the site or watershed?	Site: No effects. Watershed: Significant to public. Very positive effects.
g.	Economic impacts to the clients, landowners, or public?	Significant impact to landowner. Moderate impact to public.
h.	Client well being?	Client well-being will be significantly improved through implementation of plan.
i.	Environmental justice?	No effects – no injustice.
J.	Other?	None.

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**SPECIAL ENVIRONMENTAL CONCERNS:** Check each category. If the effect is adverse or positive to any of the following, explain in the notes section or on an attachment. . Under **Present** indicate **Yes** or **No**. For **Cultural Resources** purposes, if the activity is an "Undertaking", separate primary documentation is required. For other **Concerns** supplemental documentation may be required.

Concerns	NRCS Policy Procedure	Present	Positive/Adverse Effect
<b>Threatened or Endangered Species</b> (To ensure actions do not jeopardize T&E species) may	190 GM- 410.22 , California Endangered Species Handbook	None	Habitat will be improved to a Observed degree that T&E spp move in.
<b>Natural Area</b> (To recognize and consider impacts when planning and recommending actions adjacent to nearby Natural Areas)	190 GM 410.23	No No	effects.
<b>Landscape Resource</b> (To preserve and enhance scenic beauty or improve landscape)	190 GM 410.24 enhanced	Yes	Scenic beauty & other landscape resources will be
<b>Floodplain Management</b> (To conserve, preserve and restore existing natural and beneficial values of floodplains)	190 GM 410.25	No	No effects.
<b>Wetland</b> (To protect, maintain and restore wetland functions and values)	190 GM 410.26, NFSA Manual	No	No effects.
<b>Stream Channel Modification</b> (To maintain and restore streams, wetlands and riparian vegetation as functioning parts of a viable ecosystem)	190 GM 410.27-28	No	No effects.
<b>Riparian Area</b> (To protect, maintain, and restore riparian areas)	190 GM 411	Yes	Positive effects through proper grazing, plant establishment, etc.
<b>Prime and Unique Farmland</b> (To minimize unnecessary and irreversible conversion of farmland to non agricultural use)	310 GM 403	No	No effects.
<b>Cultural Resources</b> (To preserve and prevent the destruction or degradation of cultural resources, including historical archaeological are sites and traditional cultural places)	420 GM 401	Yes	Of those present, none will be adversely impacted. No ground-disturbing practices planned in or around cultural/historic/pre-historic sites.
<b>Coastal Zone Management Area</b> (To ensure conservation of coastal resources)	Federal Register 6/25/99, PL 92-583	No	No effects.
<b>Wild and Scenic River</b> (Consideration of impacts when actions affect areas adjacent to Wild and Scenic Rivers)	Federal Register 9/7/82, p. 39454	No	No effects.
<b>Special Aquatic Site</b> (To protect, restore and maintain special aquatic sites)	Federal Register 12/24/80 EPA 404(b)(1) 230.3 & 230.10	No	No effects.
<b>Essential Fish Habitat</b> (To conserve and enhance fish habitat for salmon, shellfish, marine fish)	50 CFR 600.905-930 Federal Register 12/19/97	No	No effects.

### OTHER CONSIDERATIONS

Documentation of the following questions can be completed here.

a. If wetland impacts are proposed, conduct a wetland determination and complete the NRCS minimal effects procedure per the Food Security Act Manual. Make certain that the client contacts the US Army Corps of Engineers to determine the need for a Permit under Section 404 of the Clean Water Act and Section 10 Rivers and Harbors Act and the Regional Water Quality Control Board for Section 401 Clean Water Act certification.

All applicable permits & regulations shall be followed. No wetlands existing on property will be altered, filled-in or drained. Planned activities are designed to enhance them.

b. If a stream, lake or other water body is involved the client should contact the California Department of Fish and Game for a Section 1600 Stream Alteration Agreement.

Client will follow regulations as related to 1600 permitting process.

c. Document mitigation planned or required to avoid, minimize, or compensate for negative impacts:

Negative impacts are confined to short-term, during construction only. No mitigation is needed, as all long-term effects are anticipated to be positive.

d. Document communications with USFWS, NMFS, Corps of Engineers, EPA, CDFG, RWQCB, NRCS Biologist, etc.

Communications will be documented on the 2<sup>nd</sup> cover of the client's case file, which shall be maintained in the NRCS office serving Glenn County, CA. Communications can be documented in Technical Notes, or via email, etc.

d. Discuss any **Cumulative Effects** (beneficial or adverse):

All of the cumulative effects of this plan are anticipated to benefit animals, plants, soils, water, air, humans, and resource sustainability.

f. Alternatives to Proposed Action that were considered (include reasons why alternative was not selected):

1. No Action - This almost assuredly could have led to degradation of habitat, health of watershed, & water quality.

2. "Previous Landowner" Alternative – An old plan established with a previous owner did not provide as much opportunity or improvement as the "Selected" Alternative did.

3. "Selected" Alternative – This allows for maximum resource benefits and meets the landowner's goals & objectives.

4. \_\_\_\_\_

g. Remarks or Other Considerations:

None.

#### RECOMMENDATION (check one)



Based upon the conclusions below, I find that this action will not have significant adverse impacts on the quality of human environment. No further environmental analysis is required. The assessment indicates work should proceed.



Further analysis is necessary, including the possible need to prepare an Environmental Impact Statement or a Finding Of No Significant Impact. The landowner will be informed not to proceed until further assessment is completed.

h. Conclusions, based upon the assessment (rationale for the findings above):

The selected plan embodies components that will enhance and improve the functionality of riparian areas, upland areas, and their interfaces. It is designed to assist the client properly manage grazing animals, while providing excellent opportunities for wildlife species to find food, cover and shelter. The plan allows for flexible management opportunities, and has planned an adequate availability of resources during natural cycles such as droughts and flood events. The naturally created beauty of the ranch will be enhanced by the careful stewardship of the landowners and others who use/manage the land under the guidance of the landowner. It is my conclusion that this plan accounts for all demands on the resources and ensures those resources are sustainable for generations to come.

Signature (Planner) Loretta J. Metz	Title Rangeland Management Specialist	Date September 26, 2000
Reviewed/Concurred By Dennis E. Nay	Title District Conservationist	Date September 27, 2000



## IV-D. EMERGENCY WATERSHED PROTECTION (EWP)

### 1. INTRODUCTION

The Klamath Soil and Water Conservation District (KSWCD) and the Natural Resources Conservation Service (NRCS) are partners for this project. The project is an Emergency Watershed Protection (EWP) project, which provides cost-share funds to eligible participants to implement approved conservation practices to prevent or reduce impacts from wind erosion. If an effect to a threatened or endangered species is determined this Biological Evaluation is intended to cover the installation of this project which extends until October 1, 2001. This biological evaluation covers measures planned for installation during late spring and early summer of 2001.

This project is located within the Bureau of Reclamation's Klamath Project boundaries within Klamath County in Oregon, and Modoc and Siskiyou Counties in California. The project boundary is within the Klamath River and Lost River watersheds. The project is located within the Townships of 41S and Township 37S, and Range 7E and Range 14E within Oregon, and within Township 46N and Township 48N, and Range 1E and Range 6E in California. The Klamath Project EWP boundary is the same boundary as the Bureau of Reclamation's Klamath Project.

Due to the existing drought, the Bureau of Reclamation will not be delivering irrigation water to the cropland within this project. The elimination of irrigation water severely limits the establishment and production of crops, thereby leaving open or sparsely vegetated fields subject to wind erosion. Conservation measures for this project will be a single practice or a combination of practices with the purpose of reducing erosion from wind on cropland:

Proposed actions for this project include:

*Cover Crop* - Spring grain is seeded on cropland using a conventional drill. Seedbed preparation will be with made with a single implement or a combination of disc, chisel, packer or similar farm implements.

*Residue Management* - A herbicide will be used to eliminate broadleaf and grass weeds from standing grain stubble to maintain existing residue. The control of broadleaf and grass weeds with the use of a herbicide will eliminate the need to control the weeds using tillage methods.

*Firebreak* - A disc is used to temporarily eliminate the majority of vegetation along the perimeter of the crop field to insure against possible fire spreading to adjacent croplands. The width is 12 - 24 feet wide.

*Mulching* - Straw is anchored in the soil surface of the cropland by "cutting in" with a disc or similar implement.

*Cross Wind Ridges* - Ridges are formed on cropland and aligned across the prevailing wind erosion direction. Conventional tillage implements (disc, chisel, or drill) are used.

*Sediment Removal* - Wind deposited soil will be removed from road ditches, irrigation canals, or roads. This will be accomplished using combination heavy earthmoving equipment: backhoe, bull dozer, front-end loader, dump truck, road grader, and scraper.

*Barrier Fence* - A 3 foot high mesh fabric fence will be installed along the area to be protected. The installation will be made using conventional hand tools.

*Erosion Control Blanket* - A biodegradable fabric will be installed over critically eroding or areas with potential to erode.

Many soils in the project area have surface textures highly susceptible to wind erosion when not protected. Severe winds occur in the spring and fall. The combination of soils, winds and cultivation result in wind erosion causing damage to life and property. The purpose of this project is to reduce or eliminate the impacts from wind erosion to life and property.

### 2. EXHIBITS

IV-D-1. California Environmental Assessment Worksheet for Klamath EWP Project

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# CALIFORNIA ENVIRONMENTAL ASSESSMENT WORKSHEET

Date: May 3, 2001

Client and/or Business Name: Klamath EWP Project		
Purpose and Need Statement (Client Objective): Lack of irr water on bare cropland needs erosion sediment control		
Description of Proposed Project: Cover crops and other erosion control or sediment trapping measures to be applied.		
Treatment Unit: Farm #:	Tract #:	Field #:
Watershed: Klamath Lake and Tulelake Basins		
Name of Person(s) Completing Worksheet: Ronald Schultze and Jerry Reioux		
<ul style="list-style-type: none"> <li>This worksheet is used to document the effects a proposed activity may have on natural, human, and cultural resources, in compliance with NEPA and NRCS NEPA Policy (General Manual 190, Section 410).</li> <li>Effects are documented in terms of: Short Term - those that occur during installation/construction; and Long Term - those that occur during and after the activity is finished. Onsite and offsite, positive and negative, and cumulative effects must be documented. If mitigation is proposed effects must be documented.</li> </ul>		
	Environmental Effects Element	Description of Effects
I.	<b>SOIL:</b>	
a.	Soil surface (e.g. disruptions, destruction of structure, displacements, compaction, deposition, removal of organic material, improvements)?	Project is for control of erosion on bare cropland fields that are not getting irrigation water.
b.	Soil fertility?	Minor positive effect from erosion control.
c.	Unique geologic or natural physical features (e.g. covering, modification, partial destruction, protection, etc.)?	None
d.	Wind or water erosion of soils, or soil erodibility, either on or off site?	Project is to stabilize soils subject to wind erosion or to trap and retain soils in fields.
e.	Siltation, deposition or erosion which may impact or modify the channel of a river, stream, ocean shoreline, or other water?	Erosion control measures should reduce sediment from going into stream channels and irrigation/drainage canals.
f.	Exposure of people or property to geologic hazards such as landslides, mudslides, subsidence or similar hazards?	Should reduce dust that causes hazards to human health and safety.
g.	Number of acres of prime &/or unique cropland?	166,260 acres - EWP should help protect these areas.
h.	Other?	
II.	<b>WATER:</b>	
a.	Stream channel dimension, pattern, and/or slope (including down stream impacts)?	No effect.
b.	Surface water infiltration rates, drainage patterns, velocities and/or volumes?	No significant effect.
c.	Quality or quantity of discharge into surface waters, including, but not limited to temperature, nutrients, bacteria, or turbidity?	Should improve water quality due to reduction in erosion and sedimentation.
d.	Quantity of ground waters through either direct additions/withdrawals or interception of aquifers?	No significant effect.
e.	Ground water quality?	No significant effect.
f.	Amount of water available for public use?	No significant effect.
g.	Exposure of people or property to flooding?	No effect.
h.	Other?	None

	<b>Environmental Effects Element</b>	<b>Description of Effects</b>
III.	<b>AIR:</b>	
a.	Air quality?	Erosion and sediment control should improve air quality by reducing dust.
b.	Odors?	No effect.
c.	Other?	None
IV.	<b>PLANTS:</b>	
a.	Diversity of species, or numbers of any plant species (upland, riparian, wetland, etc.)?	Project includes planting of small grains on cropland fields plus other erosion control measures. Should reduce bare eroding fields.
b.	Numbers or health & vigor of any unique, species of concern, rare, threatened or endangered plants?	No effect.
c.	Normal recruitment of existing, native species?	No effect.
d.	Other?	None
V.	<b>ANIMALS:</b>	
a.	Diversity of species, or numbers of any species of animals (birds, mammals, fish, invertebrates)?	Erosion control, especially small grains, should have some benefit to wildlife, compared to bare eroding cropland fields.
b.	Unique, species of concern, rare, threatened, or endangered animals (review T&E lists)?	No Effect - Refer to Biological Evaluation for Klamath Project EWP.
c.	Native animals (migration barriers, competition from non-natives, etc.)?	No effect.
d.	Existing fish & wildlife habitat or critical habitat (nesting, spawning, etc.)?	No effect.
e.	Human activity during sensitive life stages (nesting, spawning, etc.)?	No effect.
f.	Other?	None
VI I.	<b>OTHER HUMAN CONSIDERATIONS:</b>	
a.	Noise levels?	Minor noise effect due to farm equipment during planting, however, is normal for area.
b.	Present or planned land uses?	No change - work is in cropland.
c.	Aesthetic resource, scenic value, or natural area?	Reduced erosion and dust, plus cover crops, should improve aesthetics.
d.	Recreational opportunities?	No effect.
e.	Public health and safety?	Reduced dust from wind erosion should help public health and safety significantly.
f.	Public interest related to the site or watershed?	High public interest in reducing erosion and dust.
g.	Economic impacts to the clients, landowners, or public?	Erosion control project on cropland soils will have economic value to landowners.
h.	Client well being?	Protection of cropland soils should have beneficial effect.
i.	Environmental justice?	All private landowners should benefit, may help with some employment.
J.	Other?	None



**SPECIAL ENVIRONMENTAL CONCERNS:** Check each category. If the effect is adverse or positive to any of the following, explain in the notes section or on an attachment. . Under **Present** indicate **Yes** or **No**. For **Cultural Resources** purposes, if the activity is an "Undertaking", separate primary documentation is required. For other **Concerns** supplemental documentation may be required.

Concerns	NRCS Policy Procedure	Present	Positive/Adverse Effect
<b>Threatened or Endangered Species</b> (To ensure actions do not jeopardize T&E species)	190 GM- 410.22 , California Endangered Species Handbook	Yes	No Effect - Refer to Biological Evaluation attached.
<b>Natural Area</b> (To recognize and consider impacts when planning and recommending actions adjacent to nearby Natural Areas)	190 GM 410.23	No	
<b>Landscape Resource</b> (To preserve and enhance scenic beauty or improve landscape)	190 GM 410.24	Yes	Erosion control and cover crops should have aesthetic value.
<b>Floodplain Management</b> (To conserve, have preserve and restore existing natural and beneficial values of floodplains)	190 GM 410.25	Yes	Stabilizing basin soils should some value in the floodplain.
<b>Wetland</b> (To protect, maintain and restore wetland functions and values)	190 GM 410.26, NFSA Manual		Erosion control should reduce sediment into adjacent wetlands.
<b>Stream Channel Modification</b> (To maintain and restore streams, wetlands and riparian vegetation as functioning parts of a viable ecosystem)	190 GM 410.27-28	No	
<b>Riparian Area</b> (To protect, maintain, and restore riparian areas)	190 GM 411	Yes	Erosion control should reduce sediment into riparian areas.
<b>Prime and Unique Farmland</b> (To minimize unnecessary and irreversible conversion of farmland to non agricultural use)	310 GM 403	Yes	Cropland will be protected from erosion.
<b>Cultural Resources</b> (To preserve and prevent the destruction or degradation of cultural resources, including historical archaeological sites and traditional cultural places)	420 GM 401		Refer to attached letter.
<b>Coastal Zone Management Area</b> (To ensure conservation of coastal resources)	Federal Register 6/25/99, PL 92-583	No	
<b>Wild and Scenic River</b> (Consideration of impacts when actions affect areas adjacent to Wild and Scenic Rivers)	Federal Register 9/7/82, p. 39454	No	
<b>Special Aquatic Site</b> (To protect, restore and maintain special aquatic sites)	Federal Register 12/24/80 EPA 404(b)(1) 230.3 & 230.10	No	
<b>Essential Fish Habitat</b> (To conserve and enhance fish habitat for salmon, shellfish, marine fish)	50 CFR 600.905-930 Federal Register 12/19/97	No	

### OTHER CONSIDERATIONS

Documentation of the following questions can be completed here.

a. If wetland impacts are proposed, conduct a wetland determination and complete the NRCS minimal effects procedure per the Food Security Act Manual. Make certain that the client contacts the US Army Corps of Engineers to determine the need for a Permit under Section 404 of the Clean Water Act and Section 10 Rivers and Harbors Act and the Regional Water Quality Control Board for Section 401 Clean Water Act certification.

No effect - work is on existing cropland.

b. If a stream, lake or other water body is involved the client should contact the California Department of Fish and Game for a Section 1600 Stream Alteration Agreement.

No effect.

c. Document mitigation planned or required to avoid, minimize, or compensate for negative impacts:

None

d. Document communications with USFWS, NMFS, Corps of Engineers, EPA, CDFG, RWQCB, NRCS Biologist, etc.  
Request for list of species for Klamath Basin was requested from FWS by NRCS. List included bald eagle, Lost River sucker, shortnose sucker, and in Oregon, Applegate's milkvetch.

e. Discuss any **Cumulative Effects** (beneficial or adverse): Some farmers have or are planting or installing cover crops and other erosion control or sediment control measures on their own, which should add to protection of soil and prevent dust in the area.

f. Alternatives to Proposed Action that were considered (include reasons why alternative was not selected):

1. No Action

2. Planting cover crop on cropland with limited existing vegetative cover, followed by mulching, sand barriers to trap eroding soils.

3. \_\_\_\_\_

g. Remarks or Other Considerations:

Due to lack of irrigation water, many cropland fields need protection from erosion by wind, which causes dust, leading to human health and safety hazards. The proposed erosion control and sediment trapping measures should significantly reduce these hazards and provide numerous public benefits, including public health and safety, protect soil and cropland, reduce sediment in streams, canals, on roads and in other areas, and provide benefits to fish and wildlife resources.

#### RECOMMENDATION (check one)

☒ X

Based upon the conclusions below, I find that this action will not have significant adverse impacts on the quality of the human environment. No further environmental analysis is required. The assessment indicates work should proceed.

☐

Further analysis is necessary, including the possible need to prepare an Environmental Impact Statement or a Finding Of No Significant Impact. The landowner will be informed not to proceed until further assessment is completed.

h. Conclusions, based upon the assessment (rationale for the findings above):

Individual fields/farms needing erosion control will be looked at during the process to insure no other adverse environmental impacts will occur.

Signature (Planner)	Title	Date
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Reviewed/Concurred By	Title (District Conservationist)	Date
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# USDA, NATURAL RESOURCES CONSERVATION SERVICE

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## IV-E. INTENSIVE CROP (EQIP COST-SHARE)

### 1. INTRODUCTION

**Resource Setting:** Kern County, MLRA 17 – Sacramento and San Joaquin Valleys, Irrigated Cropland

### 2. IDENTIFIED RESOURCES

**Soil:** Medium to Course textured Loamy Sands and Sandy Loams

**Water:** Irrigation from groundwater via CVP (Central Valley Project) and SWP (San Joaquin Water Project). Six to 10 inch annual precipitation.

**Air:** Serious non-attainment air basin for PM-10 (particulate matter < 10 microns)

**Plants:** Diverse crops including carrots, cotton, potatoes, alfalfa, lettuce, sweet corn, and various non-cultivated vineyard/orchard crops.

**Animals:** Rodents, reptiles, coyotes, raptors, and other common species. This is potential but not current endangered species habitat.

### 3. RESOURCE CONCERNS

**Soil:** Reduced soil productivity and soil quality as a result of sustained wind erosion. Sediment deposition on cropland as a result of wind erosion.

**Water:** Deep percolation of irrigation water, groundwater overdraft, and potential contamination by nitrate and/or pesticides.

**Air:** Potential major contributor to elevated PM-10 levels. PM-10 levels in the fall and winter exceed health standards. Dust containing PM-10 is carried into the air from traffic on roadways and staging areas, and some harvest activities.

**Plants:** Seedlings are vulnerable to damage from dust blown from the roadways and bare areas onto the agricultural field. If this material blows across a vulnerable field the amount of dust suspended in the air can increase and increase crop damage risks. It is possible to have multiple re-plantings for crops planted in the late winter and early spring.

### 4. PROPOSED CONSERVATION MANAGEMENT SYSTEM

**System Name:** Irrigated Row/Field Crops, MLRA 17, Wind Erosion, Air Quality, Water Quality, and Irrigation Water Management

**Practice Code/Practice Name:**

705: Air Management  
324: Chiseling and Sub-soiling  
328: Conservation Crop Rotation  
443: Irrigation System, Surface  
449: Irrigation Water Management  
590: Nutrient Management  
595: Pest Management

633: Waste Utilization (if manure is used as a soil amendment)

## 5. CONSERVATION PRACTICE PHYSICAL EFFECTS

**Water Quantity:** Improved water management methods are used to schedule and apply irrigation water. Deep percolation of irrigation water is reduced. Crop water stress is reduced. Crop yields and crop quality may improve.

**Water Quality:** Improved nutrient and water management practices will reduce deep percolation of irrigation water containing nitrates below the root zone. Nutrient levels in groundwater will slowly decline.

**Air Quality:** Dust control is used during late summer and early fall when PM-10 levels are the highest. Soil deposited on public roads by farming operations is periodically removed. PM-10 emissions are reduced during the portion of the year when levels are highest.

**Plant Condition:** Precautions will be taken to stabilize areas vulnerable to wind erosion during the spring. The risk of seedling damage is reduced.

## 6. EXHIBITS

### IV-E-1. California Environmental Assessment Worksheet

As part of the Conservation Planning Process and as part of implementing a Resource Management System (RMS) the planner will need to complete a California Environmental Assessment Worksheet (Exhibit I-1, Section I). Included is a filled in example for this situation.

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# CALIFORNIA ENVIRONMENTAL ASSESSMENT WORKSHEET

Date 04/09/01

<b>Client and/or Business Name:</b> Intensive Cropland		
<b>Purpose and Need Statement (Client Objective):</b> Improve water & nutrient management & control dust		
<b>Description of Proposed Project:</b> Implement RMS Irr. Row/Field Crops, 17, wind, AQ, WQ, IWM		
<b>Treatment Unit:</b>	<b>Farm #:</b> 1	<b>Tract #:</b> 1 <b>Field #:</b> 1
<b>Watershed:</b> Little Kern River		
<b>Name of Person(s) Completing Worksheet:</b> Joe Planner		
<ul style="list-style-type: none"> <li>This worksheet is used to document the effects a proposed activity may have on natural, human, and cultural resources, in compliance with NEPA and NRCS NEPA Policy (General Manual 190, Section 410).</li> <li>Effects are documented in terms of: Short Term - those that occur during installation/construction; and Long Term - those that occur during and after the activity is finished. Onsite and offsite, positive and negative, and cumulative effects must be documented. If mitigation is proposed effects must be documented.</li> </ul>		
	Environmental Effects Element	Description of Effects
I.	<b>SOIL:</b>	
a.	Soil surface (e.g. disruptions, destruction of structure, displacements, compaction, deposition, removal of organic material, improvements)?	Reduce compaction of shallow subsurface layers by chiseling.
b.	Soil fertility?	Improved soil fertility by increasing soil organic matter content.
c.	Unique geologic or natural physical features (e.g. covering, modification, partial destruction, protection, etc.)?	None
d.	Wind or water erosion of soils, or soil erodibility, either on or off site?	Dust control practices, reduce on-site wind erosion and off-site deposition.
e.	Siltation, deposition or erosion which may impact or modify the channel of a river, stream, ocean shoreline, or other water?	Dust control may reduce siltation of nearby streams and channels.
f.	Exposure of people or property to geologic hazards such as landslides, mudslides, subsidence or similar hazards?	No Effect
g.	Number of acres of prime &/or unique cropland?	No Effect
h.	Other?	None
II.	<b>WATER:</b>	
a.	Stream channel dimension, pattern, and/or slope (including down stream impacts)?	No Effect
b.	Surface water infiltration rates, drainage patterns, velocities and/or volumes?	Chiseling and IWM results in optimizing soil moisture levels & uniform water application.
c.	Quality or quantity of discharge into surface waters, including, but not limited to temperature, nutrients, bacteria, or turbidity?	IWM will result in reduced discharges into surface waters. Nutrient management will result in lower nutrient levels in discharge.
d.	Quantity of ground waters through either direct additions/withdrawals or interception of aquifers?	IWM results in reduced deep percolation of irrigation waters.
e.	Ground water quality?	Nutrient management results in reduced nitrate levels in groundwater.
f.	Amount of water available for public use?	More efficient use of irrigation water may reduce groundwater overdraft.
g.	Exposure of people or property to flooding?	No Effect
h.	Other?	None

	<b>Environmental Effects Element</b>	<b>Description of Effects</b>
III.	<b>AIR:</b>	
a.	Air quality?	Improved air quality by reductions in PM-10 emissions.
b.	Odors?	No Effect
c.	Other?	None
IV.	<b>PLANTS:</b>	
a.	Diversity of species, or numbers of any plant species (upland, riparian, wetland, etc.)?	No Effect
b.	Numbers or health & vigor of any unique, species of concern, rare, threatened or endangered plants?	No Effect
c.	Normal recruitment of existing, native species?	No Effect
d.	Other?	Health and vigor of crops improved by reduced seedling damage from wind erosion.
V.	<b>ANIMALS:</b>	
a.	Diversity of species, or numbers of any species of animals (birds, mammals, fish, invertebrates)?	No Effect
b.	Unique, species of concern, rare, threatened, or endangered animals (review T&E lists)?	No Effect
c.	Native animals (migration barriers, competition from non-natives, etc.)?	No Effect
d.	Existing fish & wildlife habitat or critical habitat (nesting, spawning, etc.)?	No Effect
e.	Human activity during sensitive life stages (nesting, spawning, etc.)?	No Effect
f.	Other?	None
VI I.	<b>OTHER HUMAN CONSIDERATIONS:</b>	
a.	Noise levels?	No Effect
b.	Present or planned land uses?	No Effect
c.	Aesthetic resource, scenic value, or natural area?	No Effect
d.	Recreational opportunities?	No Effect
e.	Public health and safety?	Dust control measures result in improved visibility for motorists.
f.	Public interest related to the site or watershed?	No Effect
g.	Economic impacts to the clients, landowners, or public?	Potential positive impact to landowner due to increased yields, improved crop vigor & quality.
h.	Client well being?	Potential positive effect to landowner due to increased yields, improved crop vigor & quality.
i.	Environmental justice?	No Effect
J.	Other?	None

**SPECIAL ENVIRONMENTAL CONCERNS:** Check each category. If the effect is adverse or positive to any of the following, explain in the notes section or on an attachment. . Under **Present** indicate **Yes** or **No**. For **Cultural Resources** purposes, if the activity is an "Undertaking", separate primary documentation is required. For other **Concerns** supplemental documentation may be required.

Concerns	NRCS Policy Procedure	Present	Positive/Adverse Effect
<b>Threatened or Endangered Species</b> (To ensure actions do not jeopardize T&E species)	190 GM- 410.22 , California Endangered Species Handbook	NO	
<b>Natural Area</b> (To recognize and consider impacts when planning and recommending actions adjacent to nearby Natural Areas)	190 GM 410.23	NO	
<b>Landscape Resource</b> (To preserve and enhance scenic beauty or improve landscape)	190 GM 410.24	NO	
<b>Floodplain Management</b> (To conserve, preserve and restore existing natural and beneficial values of floodplains)	190 GM 410.25	NO	
<b>Wetland</b> (To protect, maintain and restore wetland functions and values)	190 GM 410.26, NFSA Manual	NO	
<b>Stream Channel Modification</b> (To maintain and restore streams, wetlands and riparian vegetation as functioning parts of a viable ecosystem)	190 GM 410.27-28	NO	
<b>Riparian Area</b> (To protect, maintain, and restore riparian areas)	190 GM 411	NO	
<b>Prime and Unique Farmland</b> (To minimize unnecessary and irreversible conversion of farmland to non agricultural use)	310 GM 403	YES	Implementation of RMS sustain soil resource & maintain economic viability.
<b>Cultural Resources</b> (To preserve and prevent the destruction or degradation of cultural resources, including historical archaeological sites and traditional cultural places)	420 GM 401	NO	
<b>Coastal Zone Management Area</b> (To ensure conservation of coastal resources)	Federal Register 6/25/99, PL 92-583	NO	
<b>Wild and Scenic River</b> (Consideration of impacts when actions affect areas adjacent to Wild and Scenic Rivers)	Federal Register 9/7/82, p. 39454 NO		
<b>Special Aquatic Site</b> (To protect, restore and maintain special aquatic sites)	Federal Register 12/24/80 EPA 404(b)(1) 230.3 & 230.10	NO	
<b>Essential Fish Habitat</b> (To conserve and enhance fish habitat for salmon, shellfish, marine fish)	50 CFR 600.905-930 Federal Register 12/19/97	NO	

#### OTHER CONSIDERATIONS

Documentation of the following questions can be completed here.

a. If wetland impacts are proposed, conduct a wetland determination and complete the NRCS minimal effects procedure per the Food Security Act Manual. Make certain that the client contacts the US Army Corps of Engineers to determine the need for a Permit under Section 404 of the Clean Water Act and Section 10 Rivers and Harbors Act and the Regional Water Quality Control Board for Section 401 Clean Water Act certification.

None

b. If a stream, lake or other water body is involved the client should contact the California Department of Fish and Game for a Section 1600 Stream Alteration Agreement.

None

c. Document mitigation planned or required to avoid, minimize, or compensate for negative impacts:

None

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d. Document communications with USFWS, NMFS, Corps of Engineers, EPA, CDFG, RWQCB, NRCS Biologist, etc.  
None

e. Discuss any **Cumulative Effects** (beneficial or adverse):

Full implementation of RMS will have cumulative positive effects on groundwater quality, groundwater supply, and air quality

f. Alternatives to Proposed Action that were considered (include reasons why alternative was not selected):

1. No Action - Continuation of current management system not economically sustainable due to resource degradation.

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

g. Remarks or Other Considerations:

**RECOMMENDATION (check one)**

☒ Based upon the conclusions below, I find that this action will not have significant adverse impacts on the quality of the human environment. No further environmental analysis is required. The assessment indicates work should proceed.

☐ Further analysis is necessary, including the possible need to prepare an Environmental Impact Statement or a Finding Of No Significant Impact. The landowner will be informed not to proceed until further assessment is completed.

h. Conclusions, based upon the assessment (rationale for the findings above):

Conclusions are based on the full, successful implementation of the planned RMS according to NRCS established practice standards and specifications. This planned RMS contains minimum treatment levels necessary to meet Quality Criteria for the Resource Concerns identified (Water Quantity, Water Quality, Soil-Wind Erosion, and Air Quality)

Signature (Planner) <i>Joe Planner</i>	Title Resource Conservationist	Date 04/09/01
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Reviewed/Concurred By <i>Mike Smith</i>	Title (District Conservationist) District Conservationist	Date 04/11/01
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## **IV-F. EASEMENT (WETLANDS RESERVE PROGRAM)**

### **1. INTRODUCTION**

Environmental Evaluations specific to Wetlands Reserve Program (WRP) activities should address both the short term construction phase impacts of wetland restoration as well as the long term habitat benefits associated with the conversion of agricultural land back to a functioning wetland. Although the goals and objectives of WRP emphasize the restoration of wetlands and adjacent upland nesting habitat for use by migratory birds, additional long term benefits may include water quality, flooding and sediment abatement issues which offset some of the short term negative effects.

The attached Environmental Assessment Worksheet (EAW) example represents a restoration from irrigated rice on frequently flooded, hydric soils to a combination of seasonal and semi-permanent wetlands and upland nesting habitat through the acquisition of a permanent WRP easement. Also included in the acquisition is an adjacent slough that has been delineated as a natural wetland and will provide additional habitat benefits as a brood pond for resident birds. The EA Worksheet addresses the economic, cultural and human impacts, as well as, the environmental effects, including the potential loss of prime farmland, of an agriculture-to-wetland restoration in addition to the regulatory issues normally encountered when complying with other state and federal programs.

This example represents a common, benchmark situation for WRP easements in California and may vary considerably from one site to another depending upon soils, hydrology, restoration design criteria and proximity to other land use types.

### **2. EXHIBITS**

IV-F-1. California Environmental Assessment Worksheet - WRP Example.

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# CALIFORNIA ENVIRONMENTAL ASSESSMENT WORKSHEET

Date 5/20/01

Client and/or Business Name: WRP Example		
Purpose and Need Statement (Client Objective): Wetland restoration under a perpetual WRP easement		
Description of Proposed Project: Restore seasonal, semi-permanent, and riparian wetlands and provide food and upland nesting habitat for migratory waterfowl and other wildlife.		
Treatment Unit: Farm #: 150	Tract #: 300	Fields #: 1,2,3,4,5,6,7,8, un
Watershed: Delta		
Name of Person(s) Completing Worksheet: Karen Fullen		
<ul style="list-style-type: none"> <li>This worksheet is used to document the effects a proposed activity may have on natural, human, and cultural resources, in compliance with NEPA and NRCS NEPA Policy (General Manual 190, Section 410).</li> <li>Effects are documented in terms of: Short Term - those that occur during installation/construction; and Long Term - those that occur during and after the activity is finished. Onsite and offsite, positive and negative, and cumulative effects must be documented. If mitigation is proposed effects must be documented.</li> </ul>		
	Environmental Effects Element	Description of Effects
I.	SOIL:	
a.	Soil surface (e.g. disruptions, destruction of structure, displacements, compaction, deposition, removal of organic material, improvements)?	Short term earth movement during construction of dikes. < Significant
b.	Soil fertility?	Short term - effects in excavated areas due to displacement of topsoil. Long term + effects because of establishment of permanent cover and elimination of annual tillage operations.
c.	Unique geologic or natural physical features (e.g. covering, modification, partial destruction, protection, etc.)?	No effect.
d.	Wind or water erosion of soils, or soil erodibility, either on or off site?	No effect.
e.	Siltation, deposition or erosion which may impact or modify the channel of a river, stream, ocean shoreline, or other water?	Long term reduction of silt entering adjacent slough due to decreased soil disturbance and filtering functions of wetland vegetation and vegetative buffer. + Effect
f.	Exposure of people or property to geologic hazards such as landslides, mudslides, subsidence or similar hazards?	No effect. Note: There may be a + long term effect on subsidence when converting organic soils to wetland habitat.
g.	Number of acres of prime &/or unique cropland?	No effect. Soils are hydric and subject to frequent flooding.
h.	Other?	None
II.	WATER:	
a.	Stream channel dimension, pattern, and/or slope (including down stream impacts)?	No effect.
b.	Surface water infiltration rates, drainage patterns, velocities and/or volumes?	No effect.
c.	Quality or quantity of discharge into surface waters, including, but not limited to temperature, nutrients, bacteria, or turbidity?	Long term improvement in quality of water discharged into slough and drainage canal due to filtering functions of wetland vegetation and termination of farming activity. + Effect
d.	Quantity of ground waters through either direct additions/withdrawals or interception of aquifers?	Possible long term + effects on water table due to the ability to hold water longer in the depressional wetland areas. <Significant
e.	Ground water quality?	Long term reduction in nutrient leaching to ground water, due to elimination of fertilizer use and reduction of pesticides. + Effect
f.	Amount of water available for public use?	No effect.
g.	Exposure of people or property to flooding?	Failure of dikes during fall-spring could flood neighboring ag fields which are located in 100-year floodplain. However, risk is no greater than what previously existed. Will offset by monitoring and maintenance. < Significant



	Environmental Effects Element	Description of Effects
h.	Other?	None
III.	AIR:	
a.	Air quality?	Short term increase in emissions and PM-10 from construction, similar to past farming operation. < Significant Long term reduction in CO2 emissions from farming organic soils. + Effect.
b.	Odors?	No effect.
c.	Other?	None
IV.	PLANTS:	
a.	Diversity of species, or numbers of any plant species (upland, riparian, wetland, etc.)?	Long term increase in species numbers and diversity + Effect..
b.	Numbers or health & vigor of any unique, species of concern, rare, threatened or endangered plants?	None known on project site, but potential habitat will be created for 3 Federal species of concern and 2 rare plants. + Effect
c.	Normal recruitment of existing, native species?	Long term increase in recruitment of native species. + Effect.
d.	Other?	None
V.	ANIMALS:	
a.	Diversity of species, or numbers of any species of animals (birds, mammals, fish, invertebrates)?	Long term increase in numbers and diversity of species. + Effect
b.	Unique, species of concern, rare, threatened, or endangered animals (review T&E lists)?	Long term increase in habitat for local T&E Species. + Effect
c.	Native animals (migration barriers, competition from non-natives, etc.)?	Long term increase in habitat for native animals and reduction of migration barrier in the Pacific Flyway. + Effect
d.	Existing fish & wildlife habitat or critical habitat (nesting, spawning, etc.)?	Long term increase in existing wildlife habitat and improvement of spawning habitat from improved water quality. + Effect
e.	Human activity during sensitive life stages (nesting, spawning, etc.)?	Long term reduction of human activity during nesting periods. + Effect
f.	Other?	Long term increase in wintering and nesting habitat for waterfowl and other migratory birds. + Effect
VII.	OTHER HUMAN CONSIDERATIONS:	
a.	Noise levels?	Short term increase in noise levels during construction, similar to past farming operation. < Significant
b.	Present or planned land uses?	Long term reduction in farmland acres, offset by increase in acres of wildlife habitat and reduction of subsidence generated by farming. < Significant
c.	Aesthetic resource, scenic value, or natural area?	Long term increase in aesthetics, scenic values, and natural areas. + Effect
d.	Recreational opportunities?	Long term increase in opportunities for hunting, birding and nature study. + Effect
e.	Public health and safety?	No effect.
f.	Public interest related to the site or watershed?	Some neighbors concerned about potential depredation. Other groups are concerned with restoring wetland habitat.
g.	Economic impacts to the clients, landowners, or public?	Beneficial economic impact to landowners from selling hunting rights as opposed to continued unsustainable farming of low value crops. No effect on public, as property remains on the tax rolls.
h.	Client well being?	Client desires to restore area to wetlands and develop hunting club and discontinue farming operation. + Effect.
i.	Environmental justice?	No effect.
J.	Other?	None

**SPECIAL ENVIRONMENTAL CONCERNS:** Check each category. If the effect is adverse or positive to any of the following, explain in the notes section or on an attachment. . Under **Present** indicate **Yes** or **No**. For **Cultural Resources** purposes, if the activity is an "Undertaking", separate primary documentation is required. For other **Concerns** supplemental documentation may be required.

Concerns	NRCS Policy Procedure	Present	Positive/Adverse Effect
<b>Threatened or Endangered Species</b> (To ensure actions do not jeopardize T&E species)	190 GM- 410.22 , California Endangered Species Handbook	Yes	Swainson's hawk may forage in area. No jeopardy from project.
<b>Natural Area</b> (To recognize and consider impacts when planning and recommending actions adjacent to nearby Natural Areas)	190 GM 410.23	No	
<b>Landscape Resource</b> (To preserve and enhance scenic beauty or improve landscape)	190 GM 410.24	Yes	Project will enhance scenic beauty of area.
<b>Floodplain Management</b> (To conserve, preserve and restore existing natural and beneficial values of floodplains)	190 GM 410.25	Yes	Project will restore natural vegetation in 100-year floodplain.
<b>Wetland</b> (To protect, maintain and restore wetland functions and values)	190 GM 410.26, NFS Manual	Yes	Will protect existing & restore prior converted wetland.
<b>Stream Channel Modification</b> (To maintain and restore streams, wetlands and riparian vegetation as functioning parts of a viable ecosystem)	190 GM 410.27-28	No	Adjacent stream channels will be modified by this project.
<b>Riparian Area</b> (To protect, maintain, and restore riparian areas)	190 GM 411	Yes	Project will increase woody and herbaceous vegetation in existing riparian area.
<b>Prime and Unique Farmland</b> (To minimize unnecessary and irreversible conversion of farmland to non agricultural use)	310 GM 403	No	
<b>Cultural Resources</b> (To preserve and prevent the destruction or degradation of cultural resources, including historical archaeological sites and traditional cultural places)	420 GM 401	Yes	Lit. Search & on-site inventory CR will be done in accordance w/SHPO Programmatic Agrmn Consult w/Tribal reps.
<b>Coastal Zone Management Area</b> (To ensure conservation of coastal resources)	Federal Register 6/25/99, PL 92-583	No	
<b>Wild and Scenic River</b> (Consideration of impacts when actions affect areas adjacent to Wild and Scenic Rivers)	Federal Register 9/7/82, p. 39454	No	
<b>Special Aquatic Site</b> (To protect, restore and maintain special aquatic sites)	Federal Register 12/24/80 EPA 404(b)(1) 230.3 & 230.10	No	
<b>Essential Fish Habitat</b> (To conserve and enhance fish habitat for salmon, shellfish, marine fish)	50 CFR 600.905-930 Federal Register 12/19/97	No	
<b>OTHER CONSIDERATIONS</b>			

Documentation of the following questions can be completed here.

a. If wetland impacts are proposed, conduct a wetland determination and complete the NRCS minimal effects procedure per the Food Security Act Manual. Make certain that the client contacts the US Army Corps of Engineers to determine the need for a Permit under Section 404 of the Clean Water Act and Section 10 Rivers and Harbors Act and the Regional Water Quality Control Board for Section 401 Clean Water Act certification.

Project restores wetlands on prior converted cropland and enhances existing wetlands (Adjacent Slough). Project is authorized under Nationwide 27 permit.

b. If a stream, lake or other water body is involved the client should contact the California Department of Fish and Game for a Section 1600 Stream Alteration Agreement.

No work will take place in the stream during this project. No 1600 permit is needed.

c. Document mitigation planned or required to avoid, minimize, or compensate for negative impacts:

A vegetative buffer will be established around three sides of the easement area. Existing drainage ditches will be retained around this perimeter. The ditches will intercept most of any high water table caused by the wetland restoration, and the vegetation in the buffer area will evapo-transpire any remaining water before it reaches neighboring fields. Dikes will be carefully engineered, monitored and maintained to reduce chances of failures that could result in flooding neighboring fields.

d. Document communications with USFWS, NMFS, Corps of Engineers, EPA, CDFG, RWQCB, NRCS Biologist, etc.

DFG Biologists Dave Smith and Richard Shinn have been involved in the planning of this project and will provide on-going technical assistance to the landowners on management of the easement area.

e. Discuss any **Cumulative Effects** (beneficial or adverse):

Although the Wetlands Reserve Program targets marginal agricultural land predominantly located in frequently flooded areas, there is a concern by some that there is a negative economic impact due to the permanent removal of land from crop production. Conversely, beneficial effects include increased habitat for wildlife, stability of riparian corridors, reduced flood damage to cropland and water quality benefits associated with the reduction of nutrients, pesticides and sediments into rivers and streams.

f. Alternatives to Proposed Action that were considered (include reasons why alternative was not selected):

1. No Action - Would not meet landowners or WRP objectives of wetland restoration and habitat for migratory birds.

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

g. Remarks or Other Considerations:

Future WRP projects in the Delta region should focus on entire islands or other areas where effects on neighboring properties are minimized.

<b>RECOMMENDATION (check one)</b>
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Based upon the conclusions below, I find that this action will not have significant adverse impacts on the quality of the human environment. No further environmental analysis is required. The assessment indicates work should proceed.



Further analysis is necessary, including the possible need to prepare an Environmental Impact Statement or a Finding Of No Significant Impact. The landowner will be informed not to proceed until further assessment is completed.

h. Conclusions, based upon the assessment (rational for the findings above):

The project has many more beneficial than adverse impacts. A few short-term impacts caused by equipment disturbing the soil during construction are less than significant and are similar to the effects of the past farming operation on the site. Potential adverse long-term effects seepage from the wetland area to neighboring fields has been addressed through design considerations which provide for substantial upland buffers along property boundaries that are susceptible to seepage.

Signature (Planner)	Title Biologist	Date

Reviewed/Concurred By	Title (District Conservationist)	Date

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